

Representative Craig A. Frank proposes the following substitute bill:

CAMPAIGN FINANCE AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ben C. Ferry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions in Title 20A, Chapter 11, Campaign and Financial Reporting Requirements and Title 20A, Chapter 12, Selection and Election of Judges.

Highlighted Provisions:

This bill:

- ▶ enacts, amends, and repeals definitions;
- ▶ requires a filing entity to electronically file a financial statement;
- ▶ requires the lieutenant governor to post a financial statement online in a searchable format within a certain amount of time;
- ▶ requires contributions over \$1,000 to be reported within a certain amount of time before an election;
- ▶ requires checks to be negotiated and reported when filing a financial statement;
- ▶ imposes a fine for failure to file a timely financial statement;
- ▶ repeals provisions relating to the removal of candidates for failure to file a timely financial statement;
- ▶ repeals a provision requiring a political action committee or political issues committee to disclose the occupation of a person who makes a contribution;
- ▶ establishes additional filing deadlines for some filing entities;



- 26 ▶ prohibits earmarking contributions made to a political party or a political action
- 27 committee;
- 28 ▶ prohibits making a campaign contribution in another's name;
- 29 ▶ repeals provisions that allow the aggregate reporting of contributions less than \$50;
- 30 ▶ requires a filing entity to report an expenditure:
 - 31 • made by a vendor on the filing entity's behalf; and
 - 32 • for transactions on a financial transaction card;
- 33 ▶ establishes reporting requirements for labor organizations; and
- 34 ▶ makes technical changes.

35 **Monies Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill takes effect on January 1, 2011.

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41 **20A-11-101**, as last amended by Laws of Utah 2009, Chapters 60 and 361
- 42 **20A-11-103**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 43 **20A-11-201**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 44 **20A-11-203**, as last amended by Laws of Utah 2009, Chapter 361
- 45 **20A-11-204**, as last amended by Laws of Utah 2009, Chapter 361
- 46 **20A-11-206**, as last amended by Laws of Utah 2009, Chapter 202
- 47 **20A-11-301**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 48 **20A-11-302**, as last amended by Laws of Utah 2009, Chapter 361
- 49 **20A-11-303**, as last amended by Laws of Utah 2009, Chapter 361
- 50 **20A-11-305**, as last amended by Laws of Utah 2009, Chapter 202
- 51 **20A-11-401**, as last amended by Laws of Utah 2009, Chapter 361
- 52 **20A-11-403**, as repealed and reenacted by Laws of Utah 1997, Chapter 355
- 53 **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225
- 54 **20A-11-507**, as last amended by Laws of Utah 2008, Chapter 14
- 55 **20A-11-508**, as last amended by Laws of Utah 2008, Chapter 14
- 56 **20A-11-602**, as last amended by Laws of Utah 2008, Chapters 14 and 49

- 57 **20A-11-603**, as last amended by Laws of Utah 2008, Chapter 14
- 58 **20A-11-701**, as last amended by Laws of Utah 2008, Chapter 14
- 59 **20A-11-702**, as last amended by Laws of Utah 2008, Chapter 14
- 60 **20A-11-703**, as enacted by Laws of Utah 1997, Chapter 355
- 61 **20A-11-802**, as last amended by Laws of Utah 2008, Chapters 14 and 49
- 62 **20A-11-1001**, as last amended by Laws of Utah 1997, Chapter 355
- 63 **20A-11-1002**, as last amended by Laws of Utah 2002, Chapter 317
- 64 **20A-11-1301**, as last amended by Laws of Utah 2009, Chapters 227 and 361
- 65 **20A-11-1302**, as last amended by Laws of Utah 2009, Chapter 361
- 66 **20A-11-1303**, as last amended by Laws of Utah 2009, Chapter 361
- 67 **20A-11-1305**, as last amended by Laws of Utah 2008, Chapter 14
- 68 **20A-11-1402**, as last amended by Laws of Utah 2004, Chapter 220
- 69 **20A-12-303**, as enacted by Laws of Utah 2001, Chapter 166
- 70 **20A-12-304**, as last amended by Laws of Utah 2008, Chapter 14
- 71 **20A-12-305**, as enacted by Laws of Utah 2001, Chapter 166
- 72 **20A-12-306**, as enacted by Laws of Utah 2001, Chapter 166

73 ENACTS:

- 74 **20A-11-509**, Utah Code Annotated 1953
- 75 **20A-11-510**, Utah Code Annotated 1953
- 76 **20A-11-604**, Utah Code Annotated 1953
- 77 **20A-11-904**, Utah Code Annotated 1953
- 78 **20A-11-1005**, Utah Code Annotated 1953
- 79 **20A-11-1501**, Utah Code Annotated 1953



81 *Be it enacted by the Legislature of the state of Utah:*

82 Section 1. Section **20A-11-101** is amended to read:

83 **20A-11-101. Definitions.**

84 As used in this chapter:

- 85 (1) "Address" means the number and street where an individual resides or where a
- 86 reporting entity has its principal office.
- 87 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional

88 amendments, and any other ballot propositions submitted to the voters that are authorized by
89 the Utah Code Annotated 1953.

90 (3) "Candidate" means any person who:

91 (a) files a declaration of candidacy for a public office; or

92 (b) receives contributions, makes expenditures, or gives consent for any other person to
93 receive contributions or make expenditures to bring about the person's nomination or election
94 to a public office.

95 (4) "Chief election officer" means:

96 (a) the lieutenant governor for state office candidates, legislative office candidates,
97 officeholders, political parties, political action committees, corporations, political issues
98 committees, ~~and~~ state school board candidates, judges, and labor organizations; and

99 (b) the county clerk for local school board candidates.

100 ~~[(5) "Continuing political party" means an organization of voters that participated in
101 the last regular general election and polled a total vote equal to 2% or more of the total votes
102 cast for all candidates for the United States House of Representatives.]~~

103 ~~[(6)]~~ (5) (a) "Contribution" means any of the following when done for political
104 purposes:

105 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
106 value given to the filing entity;

107 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
108 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
109 anything of value to the filing entity;

110 (iii) any transfer of funds from another reporting entity ~~[or a corporation]~~ to the filing
111 entity;

112 (iv) compensation paid by any person or reporting entity other than the filing entity for
113 personal services provided without charge to the filing entity;

114 (v) remuneration from:

115 (A) any organization or its directly affiliated organization that has a registered lobbyist
116 ~~[to compensate a legislator for a loss of salary or income while the Legislature is in session]; or~~

117 ~~[(vi) salaries or other remuneration paid to a legislator by]~~

118 (B) any agency or subdivision of the state, including school districts~~[, for the period~~

119 ~~the Legislature is in session~~]; and

120 [~~(vii)~~ (vi) goods or services provided to or for the benefit of the filing entity at less
121 than fair market value.

122 (b) "Contribution" does not include:

123 (i) services provided without compensation by individuals volunteering a portion or all
124 of their time on behalf of the filing entity;

125 (ii) money lent to the filing entity by a financial institution in the ordinary course of
126 business; or

127 (iii) goods or services provided for the benefit of a candidate or political party at less
128 than fair market value that are not authorized by or coordinated with the candidate or political
129 party.

130 [~~(7)~~ (6) "Coordinated with" means that goods or services provided for the benefit of a
131 candidate or political party are provided:

132 (a) with the candidate's or political party's prior knowledge, if the candidate or political
133 party does not object;

134 (b) by agreement with the candidate or political party;

135 (c) in coordination with the candidate or political party; or

136 (d) using official logos, slogans, and similar elements belonging to a candidate or
137 political party.

138 [~~(8)~~ (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
139 organization that is registered as a corporation or is authorized to do business in a state and
140 makes any expenditure from corporate funds for:

141 (i) the purpose of expressly advocating for political purposes; or

142 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
143 proposition.

144 (b) "Corporation" does not mean:

145 (i) a business organization's political action committee or political issues committee; or

146 (ii) a business entity organized as a partnership or a sole proprietorship.

147 [~~(9)~~ (8) "Detailed listing" means:

148 (a) for each contribution or public service assistance:

149 (i) the name and address of the individual or source making the contribution or public

- 150 service assistance;
- 151 (ii) the amount or value of the contribution or public service assistance; and
- 152 (iii) the date the contribution or public service assistance was made; ~~and~~
- 153 (b) for each expenditure:
- 154 (i) the amount of the expenditure;
- 155 (ii) the person or entity to whom ~~it~~ the expenditure was disbursed, including a
- 156 transaction on a financial transaction card, as defined in Section 76-6-506;
- 157 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 158 (iv) the date the expenditure was made~~[-];~~ and
- 159 (c) for each expenditure made by a vendor that benefits the filing entity:
- 160 (i) the amount of the expenditure;
- 161 (ii) the person or entity to whom the expenditure was disbursed;
- 162 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 163 (iv) the date the expenditure was made.
- 164 ~~(10)~~ (9) "Election" means each:
- 165 (a) regular general election;
- 166 (b) regular primary election; and
- 167 (c) special election at which candidates are eliminated and selected.
- 168 ~~(11)~~ (10) (a) "Expenditure" means:
- 169 (i) any disbursement from contributions, receipts, or from the separate bank account
- 170 required by this chapter;
- 171 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 172 or anything of value made for political purposes;
- 173 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 174 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 175 value for political purposes;
- 176 (iv) compensation paid by ~~a corporation or~~ a filing entity for personal services
- 177 rendered by a person without charge to a reporting entity;
- 178 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 179 committee; or
- 180 (vi) goods or services provided by the filing entity to or for the benefit of another

181 reporting entity for political purposes at less than fair market value.

182 (b) "Expenditure" does not include:

183 (i) services provided without compensation by individuals volunteering a portion or all
184 of their time on behalf of a reporting entity;

185 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
186 business; or

187 (iii) anything listed in Subsection ~~[(11)]~~ (10)(a) that is given by ~~[a corporation or]~~ a
188 reporting entity to candidates for office or officeholders in states other than Utah.

189 ~~[(12)]~~ (11) "Filing entity" means the reporting entity that is ~~[filing]~~ required to file a
190 financial statement required by this chapter or Title 20A, Chapter 12, Part 2, Judicial Retention
191 Elections.

192 ~~[(13)]~~ (12) "Financial statement" includes any summary report, interim report, verified
193 financial statement, or other statement disclosing contributions, expenditures, receipts,
194 donations, or disbursements that is required by this chapter or Title 20A, Chapter 12, Part 2,
195 Judicial Retention Elections.

196 ~~[(14)]~~ (13) "Governing board" means the individual or group of individuals that
197 determine the candidates and committees that will receive expenditures from a political action
198 committee, political party, or corporation.

199 ~~[(15)]~~ (14) "Incorporation" means the process established by Title 10, Chapter 2, Part
200 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

201 ~~[(16)]~~ (15) "Incorporation election" means the election authorized by Section 10-2-111.

202 ~~[(17)]~~ (16) "Incorporation petition" means a petition authorized by Section 10-2-109.

203 ~~[(18)]~~ (17) "Individual" means a natural person.

204 ~~[(19)]~~ (18) "Interim report" means a report identifying the contributions received and
205 expenditures made since the last report.

206 (19) (a) "Labor organization" means a lawful organization of any kind that is
207 composed, in whole or in part, of employees and that exists for the purpose, in whole or in part,
208 of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of
209 employment, or other terms and conditions of employment.

210 (b) Except as provided in Subsection (19)(c), "labor organization" includes each
211 employee association and union for employees of public and private sector employers.

212 (c) "Labor organization" does not include organizations governed by the National
213 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151
214 et seq.

215 (20) "Legislative office" means the office of state senator, state representative, speaker
216 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
217 whip of any party caucus in either house of the Legislature.

218 (21) "Legislative office candidate" means a person who:

219 (a) files a declaration of candidacy for the office of state senator or state representative;

220 (b) declares himself to be a candidate for, or actively campaigns for, the position of
221 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
222 assistant whip of any party caucus in either house of the Legislature; ~~and~~ or

223 (c) receives contributions, makes expenditures, or gives consent for any other person to
224 receive contributions or make expenditures to bring about the person's nomination or election
225 to a legislative office.

226 ~~[(22) "Newly registered political party" means an organization of voters that has~~
227 ~~complied with the petition and organizing procedures of this chapter to become a registered~~
228 ~~political party.]~~

229 ~~[(23)]~~ (22) "Officeholder" means a person who holds a public office.

230 ~~[(24)]~~ (23) "Party committee" means any committee organized by or authorized by the
231 governing board of a registered political party.

232 ~~[(25)]~~ (24) "Person" means both natural and legal persons, including individuals,
233 business organizations, personal campaign committees, party committees, political action
234 committees, political issues committees, labor unions, and labor organizations.

235 ~~[(26)]~~ (25) "Personal campaign committee" means the committee appointed by a
236 candidate to act for the candidate as provided in this chapter.

237 ~~[(27)]~~ (26) (a) "Political action committee" means an entity, or any group of
238 individuals or entities within or outside this state, a major purpose of which is to:

239 (i) solicit or receive contributions from any other person, group, or entity for political
240 purposes; or

241 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
242 vote for or against any candidate ~~for~~ or person seeking election to a municipal or county

243 office.

244 (b) "Political action committee" includes groups affiliated with a registered political
245 party but not authorized or organized by the governing board of the registered political party
246 that receive contributions or makes expenditures for political purposes.

247 (c) "Political action committee" does not mean:

248 (i) a party committee;

249 (ii) any entity that provides goods or services to a candidate or committee in the regular
250 course of its business at the same price that would be provided to the general public;

251 (iii) an individual;

252 (iv) individuals who are related and who make contributions from a joint checking
253 account;

254 (v) a corporation, except a corporation a major purpose of which is to act as a political
255 action committee; or

256 (vi) a personal campaign committee.

257 [~~28~~] (27) "Political convention" means a county or state political convention held by
258 a registered political party to select candidates.

259 [~~29~~] (28) (a) "Political issues committee" means an entity, or any group of individuals
260 or entities within or outside this state, a major purpose of which is to:

261 (i) solicit or receive donations from any other person, group, or entity to assist in
262 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
263 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

264 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
265 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
266 proposed ballot proposition or an incorporation in an incorporation election; or

267 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
268 ballot or to assist in keeping a ballot proposition off the ballot.

269 (b) "Political issues committee" does not mean:

270 (i) a registered political party or a party committee;

271 (ii) any entity that provides goods or services to an individual or committee in the
272 regular course of its business at the same price that would be provided to the general public;

273 (iii) an individual;

274 (iv) individuals who are related and who make contributions from a joint checking
275 account; or

276 (v) a corporation, except a corporation a major purpose of which is to act as a political
277 issues committee.

278 [~~30~~] (29) (a) "Political issues contribution" means any of the following:

279 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
280 anything of value given to a political issues committee;

281 (ii) an express, legally enforceable contract, promise, or agreement to make a political
282 issues donation to influence the approval or defeat of any ballot proposition;

283 (iii) any transfer of funds received by a political issues committee from a reporting
284 entity;

285 (iv) compensation paid by another reporting entity for personal services rendered
286 without charge to a political issues committee; and

287 (v) goods or services provided to or for the benefit of a political issues committee at
288 less than fair market value.

289 (b) "Political issues contribution" does not include:

290 (i) services provided without compensation by individuals volunteering a portion or all
291 of their time on behalf of a political issues committee; or

292 (ii) money lent to a political issues committee by a financial institution in the ordinary
293 course of business.

294 [~~31~~] (30) (a) "Political issues expenditure" means any of the following:

295 (i) any payment from political issues contributions made for the purpose of influencing
296 the approval or the defeat of:

297 (A) a ballot proposition; or

298 (B) an incorporation petition or incorporation election;

299 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
300 the express purpose of influencing the approval or the defeat of:

301 (A) a ballot proposition; or

302 (B) an incorporation petition or incorporation election;

303 (iii) an express, legally enforceable contract, promise, or agreement to make any
304 political issues expenditure;

305 (iv) compensation paid by a reporting entity for personal services rendered by a person
306 without charge to a political issues committee; or

307 (v) goods or services provided to or for the benefit of another reporting entity at less
308 than fair market value.

309 (b) "Political issues expenditure" does not include:

310 (i) services provided without compensation by individuals volunteering a portion or all
311 of their time on behalf of a political issues committee; or

312 (ii) money lent to a political issues committee by a financial institution in the ordinary
313 course of business.

314 ~~[(32)]~~ (31) "Political purposes" means an act done with the intent or in a way to
315 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote
316 for or against any candidate ~~[for public office]~~ or a person seeking a municipal or county office
317 at any caucus, political convention, ~~[primary,]~~ or election.

318 ~~[(33)]~~ (32) "Primary election" means any regular primary election held under the
319 election laws.

320 ~~[(34)]~~ (33) "Public office" means the office of governor, lieutenant governor, state
321 auditor, state treasurer, attorney general, state or local school board member, state senator, state
322 representative, speaker of the House of Representatives, president of the Senate, and the leader,
323 whip, and assistant whip of any party caucus in either house of the Legislature.

324 ~~[(35)]~~ (34) (a) "Public service assistance" means the following when given or provided
325 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
326 communicate with the officeholder's constituents:

327 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
328 money or anything of value to an officeholder; or

329 (ii) goods or services provided at less than fair market value to or for the benefit of the
330 officeholder.

331 (b) "Public service assistance" does not include:

332 (i) anything provided by the state;

333 (ii) services provided without compensation by individuals volunteering a portion or all
334 of their time on behalf of an officeholder;

335 (iii) money lent to an officeholder by a financial institution in the ordinary course of

336 business;

337 (iv) news coverage or any publication by the news media; or

338 (v) any article, story, or other coverage as part of any regular publication of any

339 organization unless substantially all the publication is devoted to information about the

340 officeholder.

341 ~~[(36)]~~ (35) "Publicly identified class of individuals" means a group of 50 or more

342 individuals sharing a common occupation, interest, or association that contribute to a political

343 action committee or political issues committee and whose names can be obtained by contacting

344 the political action committee or political issues committee upon whose financial ~~[report they]~~

345 statement the individuals are listed.

346 ~~[(37)]~~ (36) "Receipts" means contributions and public service assistance.

347 ~~[(38)]~~ (37) "Registered lobbyist" means a person registered under Title 36, Chapter 11,

348 Lobbyist Disclosure and Regulation Act.

349 ~~[(39)]~~ (38) "Registered political action committee" means any political action

350 committee that is required by this chapter to file a statement of organization with the lieutenant

351 governor's office.

352 ~~[(40)]~~ (39) "Registered political issues committee" means any political issues

353 committee that is required by this chapter to file a statement of organization with the lieutenant

354 governor's office.

355 ~~[(41)]~~ (40) "Registered political party" means an organization of voters that:

356 (a) participated in the last regular general election and polled a total vote equal to 2%

357 or more of the total votes cast for all candidates for the United States House of Representatives

358 for any of its candidates for any office; or

359 (b) has complied with the petition and organizing procedures of ~~[this chapter]~~ Chapter

360 8, Political Party Formation and Procedures.

361 (41) (a) "Remuneration" means a payment:

362 (i) made to a legislator for the period the Legislature is in session; and

363 (ii) that is approximately equivalent to an amount a legislator would have earned

364 during the period the Legislature is session in the legislator's ordinary course of business.

365 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

366 (i) the legislator's primary employer in the ordinary course of business; or

367 (ii) a person or entity in the ordinary course of business:

368 (A) because of the legislator's ownership interest in the entity; or

369 (B) for services rendered by the legislator on behalf of the person or entity.

370 (42) "Reporting entity" means a candidate, a candidate's personal campaign committee,
371 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
372 action committee, [and] a political issues committee, a corporation, or a labor organization.

373 (43) "School board office" means the office of state school board or local school board.

374 (44) (a) "Source" means the person or entity that is the legal owner of the tangible or
375 intangible asset that comprises the contribution.

376 (b) "Source" means, for political action committees and corporations, the political
377 action committee and the corporation as entities, not the contributors to the political action
378 committee or the owners or shareholders of the corporation.

379 (45) "State office" means the offices of governor, lieutenant governor, attorney general,
380 state auditor, and state treasurer.

381 (46) "State office candidate" means a person who:

382 (a) files a declaration of candidacy for a state office; or

383 (b) receives contributions, makes expenditures, or gives consent for any other person to
384 receive contributions or make expenditures to bring about the person's nomination or election
385 to a state office.

386 (47) "Summary report" means the year end report containing the summary of a
387 reporting entity's contributions and expenditures.

388 (48) "Supervisory board" means the individual or group of individuals that allocate
389 expenditures from a political issues committee.

390 (49) "Vendor" means a person who is paid in excess of \$1,000 within one year by a
391 filing entity to contract with another person on the filing entity's behalf to provide a good or
392 service for the benefit of a filing entity.

393 Section 2. Section **20A-11-103** is amended to read:

394 **20A-11-103. Notice of pending interim and summary reports -- Form of**
395 **submission -- Public availability -- Notice of local filings.**

396 (1) (a) Except as provided under Subsection (1)(b), 10 days before [~~a financial~~
397 ~~statement from a state office candidate, legislative office candidate, officeholder, state school~~

398 ~~board candidate, political party, political action committee, political issues committee, or~~
399 ~~judge] an interim report or summary report is due under this chapter[;] or Chapter 12, Part 2,~~
400 ~~Judicial Retention Elections, the [lieutenant governor] chief election officer shall inform [those~~
401 ~~candidates, officeholders, parties, committees, and judges] the filing entity by postal mail or, if~~
402 ~~requested by the [candidate, officeholder, party, committee, or judge] filing entity, by electronic~~
403 ~~mail:~~

- 404 (i) that the financial statement is due;
- 405 (ii) of the date that the financial statement is due; and
- 406 (iii) of the penalty for failing to file the financial statement.

407 ~~[(iii) if the notification is sent to a judge in reference to the interim report due before~~
408 ~~the regular general election, or to a candidate in reference to an interim report due before the~~
409 ~~regular primary election, on August 31, or before the regular general election, that if the report~~
410 ~~is not timely filed, voters will be informed that the candidate or judge has been disqualified and~~
411 ~~any votes cast for the candidate or judge will not be counted;]~~

412 ~~[(iv) if the notification is sent to a political party, political action committee, or~~
413 ~~political issues committee in reference to an interim report or a verified financial statement,~~
414 ~~that the entity may be guilty of a class B misdemeanor for failing to file the report or statement;~~
415 ~~and]~~

416 ~~[(v) if the notification is in reference to a summary report, that the candidate,~~
417 ~~officeholder, party, committee, or judge may be guilty of a class B misdemeanor for failing to~~
418 ~~file the report.]~~

419 (b) Notwithstanding the provisions of Subsection (1)(a), under this section the
420 ~~[lieutenant governor] chief election officer is not required to provide notice:~~

421 (i) to a candidate of the financial statement that is due before the candidate's political
422 convention; or

423 (ii) of a financial statement due in connection with a public hearing for an initiative
424 under the requirements of Section 20A-7-204.1.

425 ~~[(c) Ten days before an interim or summary report from a local school board candidate~~
426 ~~is due under this chapter, the county clerk shall inform the candidate by postal mail or, if~~
427 ~~requested, by electronic mail:]~~

428 ~~[(i) that the report is due;]~~

429 ~~[(ii) the date that the report is due;]~~

430 ~~[(iii) if the notification is in reference to an interim report due before the regular~~
431 ~~primary election, on August 31, or before the regular general election, that, if the report is not~~
432 ~~timely filed, voters will be informed that the candidate has been disqualified and any votes cast~~
433 ~~for the candidate will not be counted; and]~~

434 ~~[(iv) if the notification is in reference to a summary report, that the candidate may be~~
435 ~~guilty of a class B misdemeanor for failing to file the report.]~~

436 (2) ~~[Persons or entities submitting financial statements required by this chapter may~~
437 ~~submit them: (a) on paper, printed, typed, or legibly handwritten or hand printed; (b) on a~~
438 ~~computer disk according to specifications established by the chief election officer that protect~~
439 ~~against fraudulent filings and secure the accuracy of the information contained on the computer~~
440 ~~disk; (c) via fax; or (d)] A filing entity shall electronically file a financial statement via
441 electronic mail or the Internet[;] according to specifications established by the chief election
442 officer.~~

443 (3) A financial statement is considered timely filed if~~[-(a)]~~ it is received ~~[in]~~ by the
444 chief election officer's office ~~[no later than 5:00 p.m.]~~ before the close of regular office hours
445 on the date that it is due[;].

446 ~~[(b) it is received in the chief election officer's office with a postmark three days or~~
447 ~~more before the date that the financial statement was due; or]~~

448 ~~[(c) the candidate, judge, or entity has proof that the financial statement was mailed,~~
449 ~~with appropriate postage and addressing, three days before the financial statement was due.]~~

450 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
451 Access and Management Act, the lieutenant governor shall:

452 (a) make each campaign finance statement filed by a candidate available for public
453 inspection and copying no later than one business day after the statement is filed; and

454 (b) post an electronic copy or the contents of each ~~[campaign finance]~~ financial
455 statement in a searchable format on a website established by the lieutenant governor:

456 (i) for campaign finance statements submitted to the lieutenant governor under the
457 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after
458 the date of receipt of the campaign finance statement; ~~[or]~~

459 (ii) for a ~~[campaign finance statement]~~ summary report or interim report filed under the

460 requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than
461 [~~seven~~] three business days after the date the statement is [~~due~~] electronically filed; and
462 (iii) for a financial statement required by Subsections 20A-11-201(5)(b),
463 20A-11-301(6)(a), 20A-11-901(2), 20A-11-1301(6)(b), and 20A-12-303(3)(b), and Section
464 20A-11-510, no later than one business day after the date the statement is electronically filed.

465 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,
466 elects to provide campaign finance disclosure on its own website, rather than through the
467 lieutenant governor, the website established by the lieutenant governor shall contain a link or
468 other access point to the municipality or county website.

469 Section 3. Section **20A-11-201** is amended to read:

470 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

471 (1) (a) Each state office candidate or the candidate's personal campaign committee
472 shall deposit each contribution and public service assistance received in one or more separate
473 campaign accounts in a financial institution.

474 (b) The state office candidate or the candidate's personal campaign committee may use
475 the monies in those accounts only for political purposes.

476 (2) A state office candidate or the candidate's personal campaign committee may not
477 deposit or mingle any contributions received into a personal or business account.

478 (3) If a person who is no longer a state office candidate chooses not to expend the
479 monies remaining in a campaign account, the person shall continue to file the year-end
480 summary report required by Section 20A-11-203 until the statement of dissolution and final
481 summary report required by Section 20A-11-205 are filed with the lieutenant governor.

482 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
483 is no longer a state office candidate may not expend or transfer the monies in a campaign
484 account in a manner that would cause the former state office candidate to recognize the monies
485 as taxable income under federal tax law.

486 (b) A person who is no longer a state office candidate may transfer the monies in a
487 campaign account in a manner that would cause the former state office candidate to recognize
488 the monies as taxable income under federal tax law if the transfer is made to a campaign
489 account for federal office.

490 (5) (a) As used in this Subsection (5) and Section 20A-11-204, "received" means:

491 (i) for a cash contribution, that the cash is given to a state office candidate or a member
492 of the candidate's personal campaign committee;

493 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
494 instrument or check is negotiated; and

495 (iii) for any other type of contribution, that any portion of the contribution's benefit
496 inures to the state office candidate.

497 (b) Each state office candidate shall report to the lieutenant governor each contribution
498 and public service assistance [~~to the lieutenant governor~~]:

499 (i) within 30 days after the contribution or public service assistance is received[-]; and

500 (ii) within 24 hours if the contribution or public service assistance is:

501 (A) in excess of \$1,000; and

502 (B) within the possession of the state office candidate or the state office candidate's
503 personal campaign committee within seven days of an election.

504 Section 4. Section **20A-11-203** is amended to read:

505 **20A-11-203. State office candidate -- Financial reporting requirements --**
506 **Year-end summary report.**

507 (1) (a) Each state office candidate shall file a summary report by January 10 of the year
508 after the regular general election year.

509 (b) [~~Beginning with the 2008 regular general election and in~~] In addition to the
510 requirements of Subsection (1)(a), a former state office candidate that has not filed the
511 statement of dissolution and final summary report required under Section 20A-11-205 shall
512 continue to file a summary report on January 10 of each year.

513 (2) (a) Each summary report shall include the following information as of December 31
514 of the previous year:

515 (i) the net balance of the last [~~summary report~~] financial statement, if any;

516 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
517 if any;

518 (iii) a single figure equal to the total amount of expenditures reported on all interim
519 reports, if any, filed during the previous year;

520 (iv) a detailed listing of each contribution and public service assistance received since
521 the last summary report that has not been reported in detail on an interim report;

522 (v) for each nonmonetary contribution:

523 (A) the fair market value of the contribution with that information provided by the
524 contributor; and

525 (B) a specific description of the contribution;

526 (vi) a detailed listing of each expenditure made since the last summary report that has
527 not been reported in detail on an interim report;

528 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

529 (viii) a net balance for the year consisting of the net balance from the last summary
530 report, if any, plus all receipts minus all expenditures.

531 ~~[(b) (i) For all single contributions or public service assistance of \$50 or less, a single
532 aggregate figure may be reported without separate detailed listings.]~~

533 ~~[(ii) Two or more contributions from the same source that have an aggregate total of
534 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

535 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
536 December 31 of the previous year.

537 (c) A check or negotiable instrument within the possession of a state office candidate
538 or the state office candidate's personal campaign committee on or before December 31 of the
539 previous year shall be negotiated and included in the summary report.

540 (3) ~~[The summary report shall contain a paragraph signed by an]~~ An authorized
541 member of the state office candidate's personal campaign committee or ~~[by]~~ the state office
542 candidate ~~[certifying]~~ shall certify in the summary report that, to the best of the ~~[signer's]~~
543 person's knowledge, all receipts and all expenditures have been reported as of December 31 of
544 the previous year and that there are no bills or obligations outstanding and unpaid except as set
545 forth in that report.

546 Section 5. Section **20A-11-204** is amended to read:

547 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
548 **reports.**

549 (1) Each state office candidate shall file an interim report at the following times in any
550 year in which the candidate has filed a declaration of candidacy for a public office:

551 (a) seven days before the candidate's political convention;

552 (b) seven days before the regular primary election date;

- 553 (c) August 31; and
- 554 (d) seven days before the regular general election date.
- 555 (2) Each interim report shall include the following information:
- 556 (a) the net balance of the last ~~[summary report]~~ financial statement, if any;
- 557 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 558 reports, if any, during the calendar year in which the interim report is due;
- 559 (c) a single figure equal to the total amount of expenditures reported on all prior
- 560 interim reports, if any, filed during the calendar year in which the interim report is due;
- 561 (d) a detailed listing of each contribution and public service assistance received since
- 562 the last summary report that has not been reported in detail on a prior interim report;
- 563 (e) for each nonmonetary contribution:
- 564 (i) the fair market value of the contribution with that information provided by the
- 565 contributor; and
- 566 (ii) a specific description of the contribution;
- 567 (f) a detailed listing of each expenditure made since the last summary report that has
- 568 not been reported in detail on a prior interim report;
- 569 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 570 (h) a net balance for the year consisting of the net balance from the last summary
- 571 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 572 last summary report; and
- 573 (i) a summary page in the form required by the lieutenant governor that identifies:
- 574 (i) beginning balance;
- 575 (ii) total contributions during the period since the last statement;
- 576 (iii) total contributions to date;
- 577 (iv) total expenditures during the period since the last statement; and
- 578 (v) total expenditures to date.
- 579 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a~~
- 580 ~~single aggregate figure may be reported without separate detailed listings.]~~
- 581 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
- 582 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~
- 583 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be

584 reported as of five days before the required filing date of the report.

585 (b) Any negotiable instrument or check [~~received by~~] within the possession of a state
586 office candidate or a state office candidate's personal campaign committee more than five days
587 before the required filing date of a report required by this section shall be negotiated and
588 included in the interim report.

589 Section 6. Section **20A-11-206** is amended to read:

590 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

591 (1) (a) If a state office candidate fails to file an interim report due before the regular
592 primary election, on August 31, or before the regular general election, the lieutenant governor
593 shall, after making a reasonable attempt to discover if the report was timely [~~mailed, inform the~~
594 ~~county clerk and other appropriate election officials who:~~] filed, impose a fine against the filing
595 entity in accordance with Section 20A-11-1005.

596 [~~(i) shall, if practicable, remove the name of the candidate by blacking out the~~
597 ~~candidate's name before the ballots are delivered to voters; or]~~

598 [~~(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~
599 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
600 ~~cast for the candidate will not be counted; and]~~

601 [~~(iii) may not count any votes for that candidate.]~~

602 [~~(b) Any state office candidate who fails to file timely a financial statement required by~~
603 ~~Section 20A-11-204 is disqualified and the vacancy on the ballot may be filled as provided in~~
604 ~~Section 20A-1-501.]~~

605 [~~(c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not~~
606 ~~disqualified if:]~~

607 (b) The lieutenant governor may not impose the fine if:

608 (i) the candidate timely files the reports required by this section no later than the due
609 date in accordance with Section 20A-11-103;

610 (ii) [~~those~~] the reports are completed, detailing accurately and completely the
611 information required by this part except for inadvertent omissions or insignificant errors or
612 inaccuracies; and

613 (iii) [~~those~~] the omissions, errors, or inaccuracies described in Subsection (1)(b)(ii) are
614 explained, clearly shown, and corrected in;

615 (A) an amended report; or [in]

616 (B) the next scheduled report.

617 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
618 governor shall review each filed summary report to ensure that:

619 (i) each state office candidate that is required to file a summary report has filed one;
620 and

621 (ii) each summary report contains the information required by this part.

622 (b) If it appears that any state office candidate has failed to file the summary report
623 required by law, if it appears that a filed summary report does not conform to the law, or if the
624 lieutenant governor has received a written complaint alleging a violation of the law or the
625 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
626 violation or receipt of a written complaint, notify the state office candidate of the violation or
627 written complaint and direct the state office candidate to file a summary report correcting the
628 problem.

629 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
630 report within 14 days after receiving notice from the lieutenant governor under this section.

631 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B
632 misdemeanor.

633 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
634 attorney general.

635 Section 7. Section **20A-11-301** is amended to read:

636 **20A-11-301. Legislative office candidate -- Campaign requirements.**

637 (1) Each legislative office candidate shall deposit each contribution and public service
638 assistance received in one or more separate accounts in a financial institution that are dedicated
639 only to that purpose.

640 (2) A legislative office candidate may not deposit or mingle any contributions or public
641 service assistance received into a personal or business account.

642 (3) A legislative office candidate may not make any political expenditures prohibited
643 by law.

644 (4) If a person who is no longer a legislative candidate chooses not to expend the
645 monies remaining in a campaign account, the person shall continue to file the year-end

646 summary report required by Section 20A-11-302 until the statement of dissolution and final
647 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

648 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
649 is no longer a legislative office candidate may not expend or transfer the monies in a campaign
650 account in a manner that would cause the former legislative office candidate to recognize the
651 monies as taxable income under federal tax law.

652 (b) A person who is no longer a legislative office candidate may transfer the monies in
653 a campaign account in a manner that would cause the former legislative office candidate to
654 recognize the monies as taxable income under federal tax law if the transfer is made to a
655 campaign account for federal office.

656 (6) (a) As used in this Subsection (6) and Section 20A-11-303, "received" means:

657 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
658 member of the candidate's personal campaign committee;

659 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
660 instrument or check is negotiated; and

661 (iii) for any other type of contribution, that any portion of the contribution's benefit
662 inures to the legislative office candidate.

663 (b) Each legislative office candidate shall report to the lieutenant governor each
664 contribution and public service assistance [~~to the lieutenant governor~~]:

665 (i) within 30 days after the contribution or public service assistance is received[-]; and

666 (ii) within 24 hours if the contribution or public service assistance is:

667 (A) in excess of \$1,000; and

668 (B) within the legislative office candidate's possession within seven days of an
669 election.

670 Section 8. Section **20A-11-302** is amended to read:

671 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**

672 **Year-end summary report.**

673 (1) (a) Each legislative office candidate shall file a summary report by January 10 of
674 the year after the regular general election year.

675 (b) [~~Beginning with the 2008 regular general election and in~~] In addition to the
676 requirements of Subsection (1)(a), a former legislative office candidate that has not filed the

677 statement of dissolution and final summary report required under Section 20A-11-304 shall
678 continue to file a summary report on January 10 of each year.

679 (2) (a) Each summary report shall include the following information as of December 31
680 of the previous year:

681 (i) the net balance of the last ~~[summary report]~~ financial statement, if any;

682 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
683 if any, during the calendar year in which the summary report is due;

684 (iii) a single figure equal to the total amount of expenditures reported on all interim
685 reports, if any, filed during the previous year;

686 (iv) a detailed listing of each receipt, contribution, and public service assistance since
687 the last summary report that has not been reported in detail on an interim report;

688 (v) for each nonmonetary contribution:

689 (A) the fair market value of the contribution with that information provided by the
690 contributor; and

691 (B) a specific description of the contribution;

692 (vi) a detailed listing of each expenditure made since the last summary report that has
693 not been reported in detail on an interim report;

694 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

695 (viii) a net balance for the year consisting of the net balance from the last summary
696 report, if any, plus all receipts minus all expenditures.

697 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a
698 single aggregate figure may be reported without separate detailed listings.]~~

699 ~~[(ii) Two or more contributions from the same source that have an aggregate total of
700 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

701 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
702 December 31 of the previous year.

703 (c) A check or negotiable instrument within the legislative office candidate's
704 possession on or before December 31 of the previous year shall be negotiated and included in
705 the summary report.

706 (3) ~~[The summary report shall contain a paragraph signed by the]~~ The legislative office
707 candidate ~~[certifying]~~ shall certify in the summary report that to the best of the candidate's

708 knowledge, all receipts and all expenditures have been reported as of December 31 of the
709 previous year and that there are no bills or obligations outstanding and unpaid except as set
710 forth in that report.

711 Section 9. Section **20A-11-303** is amended to read:

712 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
713 **Interim reports.**

714 (1) Each legislative office candidate shall file an interim report at the following times
715 in any year in which the candidate has filed a declaration of candidacy for a public office:

716 (a) seven days before the candidate's political convention;

717 (b) seven days before the regular primary election date;

718 (c) August 31; and

719 (d) seven days before the regular general election date.

720 (2) Each interim report shall include the following information:

721 (a) the net balance of the last [~~summary report~~] financial statement, if any;

722 (b) a single figure equal to the total amount of receipts reported on all prior interim
723 reports, if any, during the calendar year in which the interim report is due;

724 (c) a single figure equal to the total amount of expenditures reported on all prior
725 interim reports, if any, filed during the calendar year in which the interim report is due;

726 (d) a detailed listing of each contribution and public service assistance received since
727 the last summary report that has not been reported in detail on a prior interim report;

728 (e) for each nonmonetary contribution:

729 (i) the fair market value of the contribution with that information provided by the
730 contributor; and

731 (ii) a specific description of the contribution;

732 (f) a detailed listing of each expenditure made since the last summary report that has
733 not been reported in detail on a prior interim report;

734 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

735 (h) a net balance for the year consisting of the net balance from the last summary
736 report, if any, plus all receipts since the last summary report minus all expenditures since the
737 last summary report; and

738 (i) a summary page in the form required by the lieutenant governor that identifies:

- 739 (i) beginning balance;
 740 (ii) total contributions during the period since the last statement;
 741 (iii) total contributions to date;
 742 (iv) total expenditures during the period since the last statement; and
 743 (v) total expenditures to date.

744 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a~~
 745 ~~single aggregate figure may be reported without separate detailed listings.]~~

746 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
 747 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

748 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
 749 reported as of five days before the required filing date of the report.

750 (b) Any negotiable instrument or check ~~[received by]~~ within the possession of a
 751 legislative office candidate more than five days before the required filing date of a report
 752 required by this section shall be negotiated and included in the interim report.

753 Section 10. Section **20A-11-305** is amended to read:

754 **20A-11-305. Legislative office candidate -- Failure to file report.**

755 (1) (a) If a legislative office candidate fails to file an interim report due before the
 756 regular primary election, on August 31, or before the regular general election, the lieutenant
 757 governor shall, after making a reasonable attempt to discover if the report was timely ~~[mailed;~~
 758 ~~inform the county clerk and other appropriate election officials who:]~~ filed, impose a fine
 759 against the filing entity in accordance with Section 20A-11-1005.

760 ~~[(i) shall, if practicable, remove the name of the candidate by blacking out the~~
 761 ~~candidate's name before the ballots are delivered to voters; or]~~

762 ~~[(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~
 763 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
 764 ~~cast for the candidate will not be counted; and]~~

765 ~~[(iii) may not count any votes for that candidate.]~~

766 ~~[(b) Any legislative office candidate who fails to file timely a financial statement~~
 767 ~~required by Section 20A-11-303 is disqualified and the vacancy on the ballot may be filled as~~
 768 ~~provided in Section 20A-1-501.]~~

769 ~~[(c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not~~

770 disqualified if:]

771 (b) The lieutenant governor may not impose the fine if:

772 (i) the candidate timely files the reports required by this section no later than the due
773 date in accordance with Section 20A-11-103;

774 (ii) [~~those~~] the reports are completed, detailing accurately and completely the
775 information required by this part except for inadvertent omissions or insignificant errors or
776 inaccuracies; and

777 (iii) [~~those~~] the omissions, errors, or inaccuracies described in Subsection (1)(b)(ii) are
778 explained, clearly shown, and corrected in:

779 (A) an amended report; or [in]

780 (B) the next scheduled report.

781 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
782 governor shall review each filed summary report to ensure that:

783 (i) each legislative office candidate that is required to file a summary report has filed
784 one; and

785 (ii) each summary report contains the information required by this part.

786 (b) If it appears that any legislative office candidate has failed to file the summary
787 report required by law, if it appears that a filed summary report does not conform to the law, or
788 if the lieutenant governor has received a written complaint alleging a violation of the law or the
789 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
790 violation or receipt of a written complaint, notify the legislative office candidate of the
791 violation or written complaint and direct the legislative office candidate to file a summary
792 report correcting the problem.

793 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a
794 summary report within 14 days after receiving notice from the lieutenant governor under this
795 section.

796 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a
797 class B misdemeanor.

798 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
799 attorney general.

800 Section 11. Section **20A-11-401** is amended to read:

801 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
802 **report.**

803 (1) (a) Each officeholder shall file a summary report by January 10 of each year.

804 (b) An officeholder that is required to file a summary report both as an officeholder and
805 as a candidate for office under the requirements of this chapter may file a single summary
806 report as a candidate and an officeholder, provided that the combined report meets the
807 requirements of:

808 (i) this section; and

809 (ii) the section that provides the requirements for the summary report that must be filed
810 by the officeholder in the officeholder's capacity of a candidate for office.

811 (2) (a) Each summary report shall include the following information as of December 31
812 of the previous year:

813 (i) the net balance of the last summary report, if any;

814 (ii) a single figure equal to the total amount of receipts received since the last summary
815 report, if any;

816 (iii) a single figure equal to the total amount of expenditures made since the last
817 summary report, if any;

818 (iv) a detailed listing of each contribution and public service assistance received since
819 the last summary report;

820 (v) for each nonmonetary contribution:

821 (A) the fair market value of the contribution with that information provided by the
822 contributor; and

823 (B) a specific description of the contribution;

824 (vi) a detailed listing of each expenditure made since the last summary report;

825 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

826 (viii) a net balance for the year consisting of the net balance from the last summary
827 report plus all receipts minus all expenditures.

828 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a~~
829 ~~single aggregate figure may be reported without separate detailed listings.]~~

830 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~
831 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

832 [~~(c)~~] (b) In preparing the report, all receipts and expenditures shall be reported as of
833 December 31 of the previous year.

834 (3) The summary report shall contain a paragraph signed by the officeholder certifying
835 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been
836 reported as of December 31 of the last calendar year and that there are no bills or obligations
837 outstanding and unpaid except as set forth in that report.

838 Section 12. Section **20A-11-403** is amended to read:

839 **20A-11-403. Failure to file -- Penalties.**

840 (1) Within 30 days after a deadline for the filing of a summary report, the lieutenant
841 governor shall review each filed summary report to ensure that:

842 (a) each officeholder that is required to file a summary report has filed one; and

843 (b) each summary report contains the information required by this part.

844 (2) If it appears that any officeholder has failed to file the summary report required by
845 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
846 governor has received a written complaint alleging a violation of the law or the falsity of any
847 summary report, the lieutenant governor shall[;]:

848 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

849 (b) within five days of discovery of a violation or receipt of a written complaint, notify
850 the officeholder of the violation or written complaint and direct the officeholder to file a
851 summary report correcting the problem.

852 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
853 within 14 days after receiving notice from the lieutenant governor under this section.

854 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
855 misdemeanor.

856 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
857 attorney general.

858 Section 13. Section **20A-11-506** is amended to read:

859 **20A-11-506. Political party financial reporting requirements -- Year-end**
860 **summary report.**

861 (1) The party committee of each registered political party shall file a summary report by
862 January 10 of each year.

863 (2) (a) Each summary report shall include the following information as of December 31
864 of the previous year:

865 (i) the net balance of the last summary report, if any;

866 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
867 if any, during the previous year;

868 (iii) a single figure equal to the total amount of expenditures reported on all interim
869 reports, if any, filed during the previous year;

870 (iv) a detailed listing of each contribution and public service assistance received since
871 the last summary report that has not been reported in detail on an interim report;

872 (v) for each nonmonetary contribution, the fair market value of the contribution;

873 (vi) a detailed listing of each expenditure made since the last summary report that has
874 not been reported in detail on an interim report;

875 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

876 (viii) a net balance for the year consisting of the net balance from the last summary
877 report, if any, plus all receipts minus all expenditures.

878 ~~[(b) (i) For all individual contributions or public service assistance of \$50 or less, a
879 single aggregate figure may be reported without separate detailed listings.]~~

880 ~~[(ii) Two or more contributions from the same source that have an aggregate total of
881 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

882 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
883 December 31 of the previous year.

884 (3) The summary report shall contain a paragraph signed by the treasurer of the party
885 committee certifying that, to the best of the treasurer's knowledge, all receipts and all
886 expenditures have been reported as of December 31 of the previous year and that there are no
887 bills or obligations outstanding and unpaid except as set forth in that report.

888 Section 14. Section **20A-11-507** is amended to read:

889 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

890 (1) The party committee of each registered political party shall file an interim report at
891 the following times in any year in which there is a regular general election:

892 (a) seven days before the registered political party's political convention;

893 (b) seven days before the regular primary election date;

894 ~~[(a)]~~ (c) August 31; and

895 ~~[(b)]~~ (d) seven days before the general election date.

896 (2) Each interim report shall include the following information:

897 (a) the net balance of the last ~~[summary report]~~ financial statement, if any;

898 (b) a single figure equal to the total amount of receipts reported on all prior interim
899 reports, if any, during the calendar year in which the interim report is due;

900 (c) a single figure equal to the total amount of expenditures reported on all prior
901 interim reports, if any, filed during the calendar year in which the interim report is due;

902 (d) a detailed listing of each contribution and public service assistance received since
903 the last summary report that has not been reported in detail on a prior interim report;

904 (e) for each nonmonetary contribution, the fair market value of the contribution;

905 (f) a detailed listing of each expenditure made since the last summary report that has
906 not been reported in detail on a prior interim report;

907 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

908 (h) a net balance for the year consisting of the net balance from the last summary
909 report, if any, plus all receipts since the last summary report minus all expenditures since the
910 last summary report; and

911 (i) a summary page in the form required by the lieutenant governor that identifies:

912 (i) beginning balance;

913 (ii) total contributions during the period since the last statement;

914 (iii) total contributions to date;

915 (iv) total expenditures during the period since the last statement; and

916 (v) total expenditures to date.

917 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a
918 single aggregate figure may be reported without separate detailed listings.]~~

919 ~~[(b) Two or more contributions from the same source that have an aggregate total of
920 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

921 ~~[(4)]~~ (3) In preparing each interim report, all receipts and expenditures shall be
922 reported as of five days before the required filing date of the report.

923 Section 15. Section **20A-11-508** is amended to read:

924 **20A-11-508. Political party reporting requirements -- Criminal penalties.**

925 (1) (a) Each registered political party that fails to file [~~the interim reports due on~~
926 ~~August 31 or before the regular general election is~~] an interim report by the due date is:

- 927 (i) subject to a fine imposed in accordance with Section 20A-11-1005; and
928 (ii) guilty of a class B misdemeanor.

929 (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the
930 attorney general.

931 (2) Within 30 days after a deadline for the filing of a summary report required by this
932 part, the lieutenant governor shall review each filed report to ensure that:

- 933 (a) each political party that is required to file a report has filed one; and
934 (b) each report contains the information required by this part.

935 (3) If it appears that any political party has failed to file a report required by law, if it
936 appears that a filed report does not conform to the law, or if the lieutenant governor has
937 received a written complaint alleging a violation of the law or the falsity of any report, the
938 lieutenant governor shall, within five days of discovery of a violation or receipt of a written
939 complaint, notify the political party of the violation or written complaint and direct the political
940 party to file a summary report correcting the problem.

941 (4) (a) It is unlawful for any political party to fail to file or amend a summary report
942 within 14 days after receiving notice from the lieutenant governor under this section.

943 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
944 misdemeanor.

945 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
946 attorney general.

947 Section 16. Section **20A-11-509** is enacted to read:

948 **20A-11-509. Designation of contribution's use prohibited.**

949 A person making a contribution to a registered political party may not request that the
950 registered political party expend the contribution in a way to benefit a specific candidate.

951 Section 17. Section **20A-11-510** is enacted to read:

952 **20A-11-510. Reporting of contributions over \$1,000.**

953 A registered political party shall report to the lieutenant governor each contribution
954 received within 24 hours if the contribution is:

- 955 (1) in excess of \$1,000; and

956 (2) within the registered political party's possession within seven days of an election.

957 Section 18. Section **20A-11-602** is amended to read:

958 **20A-11-602. Political action committees -- Financial reporting.**

959 (1) (a) Each registered political action committee that has received contributions
960 totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year
961 shall file a verified financial statement with the lieutenant governor's office ~~[on]~~:

962 (i) on January 10, reporting contributions and expenditures as of December 31 of the
963 previous year;

964 (ii) seven days before the regular primary election date;

965 ~~[(ii)]~~ (iii) on August 31; and

966 ~~[(iii)]~~ (iv) seven days before the regular general election date.

967 (b) The registered political action committee shall report:

968 (i) a detailed listing of all contributions received and expenditures made since the last
969 statement; and

970 (ii) for financial statements filed ~~[on August 31 and before the general election]~~ under
971 Subsections (1)(a)(ii) through (iv), all contributions and expenditures as of five days before the
972 required filing date of the financial statement.

973 (c) The registered political action committee need not file a statement under this
974 section if it received no contributions and made no expenditures during the reporting period.

975 (2) ~~[(a)]~~ The verified financial statement shall include:

976 ~~[(i)]~~ (a) the name~~[-]~~ and address~~[-, and occupation]~~ of any individual that makes a
977 contribution to the reporting political action committee, and the amount of the contribution;

978 ~~[(ii)]~~ (b) the identification of any publicly identified class of individuals that makes a
979 contribution to the reporting political action committee, and the amount of the contribution;

980 ~~[(iii)]~~ (c) the name and address of any political action committee, group, or entity that
981 makes a contribution to the reporting political action committee, and the amount of the
982 contribution;

983 ~~[(iv)]~~ (d) for each nonmonetary contribution, the fair market value of the contribution;

984 ~~[(v)]~~ (e) the name and address of each reporting entity that received an expenditure
985 from the reporting political action committee, and the amount of each expenditure;

986 ~~[(vi)]~~ (f) for each nonmonetary expenditure, the fair market value of the expenditure;

987 ~~[(vii)]~~ (g) the total amount of contributions received and expenditures disbursed by the
988 reporting political action committee;

989 ~~[(viii) a paragraph signed]~~ (h) a statement by the political action committee's treasurer
990 or chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's
991 knowledge, the financial report is accurate; and

992 ~~[(ix)]~~ (i) a summary page in the form required by the lieutenant governor that
993 identifies:

994 ~~[(A)]~~ (i) beginning balance;

995 ~~[(B)]~~ (ii) total contributions during the period since the last statement;

996 ~~[(C)]~~ (iii) total contributions to date;

997 ~~[(D)]~~ (iv) total expenditures during the period since the last statement; and

998 ~~[(E)]~~ (v) total expenditures to date.

999 ~~[(b) (i) Contributions received by a political action committee that have a value of \$50~~
1000 ~~or less need not be reported individually, but shall be listed on the report as an aggregate total.]~~

1001 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~
1002 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1003 (3) A group or entity may not divide or separate into units, sections, or smaller groups
1004 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
1005 shall prevail over form in determining the scope or size of a political action committee.

1006 (4) A registered political action committee shall report to the lieutenant governor each
1007 contribution received within 24 hours if the contribution is:

1008 (a) in excess of \$1,000; and

1009 (b) within the political action committee's possession within seven days of an election
1010 or municipal election.

1011 Section 19. Section **20A-11-603** is amended to read:

1012 **20A-11-603. Criminal penalties.**

1013 (1) (a) Each political action committee that fails to file the statement due before the
1014 regular primary election, on August 31 or before the regular general session is:

1015 (i) subject to a fine imposed in accordance with Section 20A-11-1005; and

1016 (ii) guilty of a class B misdemeanor.

1017 (b) The lieutenant governor shall report all violations of Subsection (1)(a) to the

1018 attorney general.

1019 (2) Within 30 days after a deadline for the filing of the January 10 statement required
1020 by this part, the lieutenant governor shall review each filed statement to ensure that:

1021 (a) each political action committee that is required to file a statement has filed one; and

1022 (b) each statement contains the information required by this part.

1023 (3) If it appears that any political action committee has failed to file the January 10
1024 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
1025 governor has received a written complaint alleging a violation of the law or the falsity of any
1026 statement, the lieutenant governor shall, within five days of discovery of a violation or receipt
1027 of a written complaint, notify the political action committee of the violation or written
1028 complaint and direct the political action committee to file a statement correcting the problem.

1029 (4) (a) It is unlawful for any political action committee to fail to file or amend a
1030 statement within 14 days after receiving notice from the lieutenant governor under this section.

1031 (b) Each political action committee who violates Subsection (4)(a) is guilty of a class B
1032 misdemeanor.

1033 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
1034 attorney general.

1035 Section 20. Section **20A-11-604** is enacted to read:

1036 **20A-11-604. Designation of contribution's use prohibited.**

1037 A person making a contribution to a political action committee may not request that the
1038 political action committee expend the contribution in a way to benefit a specific candidate.

1039 Section 21. Section **20A-11-701** is amended to read:

1040 **20A-11-701. Campaign financial reporting of candidate campaign contributions**
1041 **by corporations -- Filing requirements -- Statement contents.**

1042 (1) (a) Each corporation that has made expenditures for political purposes that total at
1043 least \$750 during a calendar year shall file a verified financial statement with the lieutenant
1044 governor's office ~~on~~:

1045 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1046 (ii) seven days before the regular primary election date;

1047 ~~(ii)~~ (iii) on August 31; and

1048 ~~(iii)~~ (iv) seven days before the regular general election date.

- 1049 (b) The corporation shall report:
- 1050 (i) a detailed listing of all expenditures made since the last statement; ~~[and]~~
- 1051 (ii) for financial statements filed ~~[on August 31 and before the general election]~~ under
- 1052 Subsections (1)(a)(ii) through (iv), all expenditures as of three days before the required filing
- 1053 date of the financial statement~~[-]; and~~
- 1054 (iii) whether the corporation, including an officer, director, spouse, or person with at
- 1055 least 10% ownership in the corporation:
- 1056 (A) has bid since the last financial statement on a contract, as defined in Section
- 1057 63G-6-103, in excess of \$100,000;
- 1058 (B) is currently bidding on a contract, as defined in Section 63G-6-103, in excess of
- 1059 \$100,000; or
- 1060 (C) is a party to a contract, as defined in Section 63G-6-103, in excess of \$100,000.
- 1061 (c) The corporation need not file a statement under this section if it made no
- 1062 expenditures during the reporting period.
- 1063 (2) That statement shall include:
- 1064 (a) the name and address of each reporting entity that received an expenditure from the
- 1065 corporation, and the amount of each expenditure;
- 1066 (b) the total amount of expenditures disbursed by the corporation; and
- 1067 (c) ~~[a paragraph signed]~~ a statement by the corporation's ~~[or the political action~~
- 1068 ~~committee's]~~ treasurer or chief financial officer ~~[verifying]~~ certifying the accuracy of the
- 1069 financial report.
- 1070 Section 22. Section **20A-11-702** is amended to read:
- 1071 **20A-11-702. Campaign financial reporting of political issues expenditures by**
- 1072 **corporations -- Financial reporting.**
- 1073 (1) (a) Each corporation that has made political issues expenditures on current or
- 1074 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
- 1075 financial statement with the lieutenant governor's office ~~[on]~~:
- 1076 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 1077 (ii) seven days before the regular primary election date;
- 1078 ~~[(ii)]~~ (iii) on August 31; and
- 1079 ~~[(iii)]~~ (iv) seven days before the regular general election date.

1080 (b) The corporation shall report:
1081 (i) a detailed listing of all expenditures made since the last statement; and
1082 (ii) for financial statements [~~filed on August 31 and before the primary and general~~
1083 ~~elections~~] under Subsections (1)(a)(ii) through (iv), expenditures as of five days before the
1084 required filing date of the financial statement.

1085 (c) The corporation need not file a statement under this section if it made no
1086 expenditures during the reporting period.

1087 (2) That statement shall include:

1088 (a) the name and address of each individual, entity, or group of individuals or entities
1089 that received a political issues expenditure [~~of more than \$50~~] from the corporation, and the
1090 amount of each political issues expenditure;

1091 (b) the total amount of political issues expenditures disbursed by the corporation; and

1092 (c) [~~a paragraph signed~~] a statement by the corporation's treasurer or chief financial
1093 officer [~~verifying~~] certifying the accuracy of the verified financial statement.

1094 Section 23. Section **20A-11-703** is amended to read:

1095 **20A-11-703. Criminal penalties -- Fines.**

1096 (1) Within 30 days after a deadline for the filing of any statement required by this part,
1097 the lieutenant governor shall review each filed statement to ensure that:

1098 (a) each corporation that is required to file a statement has filed one; and

1099 (b) each statement contains the information required by this part.

1100 (2) If it appears that any corporation has failed to file any statement, if it appears that a
1101 filed statement does not conform to the law, or if the lieutenant governor has received a written
1102 complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor
1103 shall[;]:

1104 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and

1105 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1106 the corporation of the violation or written complaint and direct the corporation to file a
1107 statement correcting the problem.

1108 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within 14
1109 days after receiving notice from the lieutenant governor under this section.

1110 (b) Each corporation who violates Subsection (3)(a) is guilty of a class B misdemeanor.

1111 (c) The lieutenant governor shall report all violations of this Subsection (3)(a) to the
1112 attorney general.

1113 Section 24. Section **20A-11-802** is amended to read:

1114 **20A-11-802. Political issues committees -- Financial reporting.**

1115 (1) (a) Each registered political issues committee that has received political issues
1116 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
1117 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
1118 governor's office:

1119 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1120 previous year;

1121 (ii) seven days before the date of an incorporation election, if the political issues
1122 committee has received donations or made disbursements to affect an incorporation;

1123 (iii) at least three days before the first public hearing held as required by Section
1124 20A-7-204.1;

1125 (iv) if the political issues committee has received or expended funds in relation to an
1126 initiative or referendum, at the time the initiative or referendum sponsors submit:

1127 (A) the verified and certified initiative packets as required by Section 20A-7-206; or

1128 (B) the signed and verified referendum packets as required by Section 20A-7-306;

1129 (v) on August 31; and

1130 (vi) seven days before the regular general election.

1131 (b) The political issues committee shall report:

1132 (i) a detailed listing of all contributions received and expenditures made since the last
1133 statement; and

1134 (ii) for financial statements filed on August 31 and before the general election, all
1135 contributions and expenditures as of three days before the required filing date of the financial
1136 statement.

1137 (c) The political issues committee need not file a statement under this section if it
1138 received no contributions and made no expenditures during the reporting period.

1139 (2) (a) That statement shall include:

1140 (i) the name[;] and address[; ~~and occupation~~] of any individual that makes a political
1141 issues contribution to the reporting political issues committee, and the amount of the political

1142 issues contribution;

1143 (ii) the identification of any publicly identified class of individuals that makes a
1144 political issues contribution to the reporting political issues committee, and the amount of the
1145 political issues contribution;

1146 (iii) the name and address of any political issues committee, group, or entity that makes
1147 a political issues contribution to the reporting political issues committee, and the amount of the
1148 political issues contribution;

1149 (iv) the name and address of each reporting entity that makes a political issues
1150 contribution to the reporting political issues committee, and the amount of the political issues
1151 contribution;

1152 (v) for each nonmonetary contribution, the fair market value of the contribution;

1153 (vi) ~~[except as provided in Subsection (2)(c);]~~ the name and address of each individual,
1154 entity, or group of individuals or entities that received a political issues expenditure ~~[of more~~
1155 ~~than \$50]~~ from the reporting political issues committee, and the amount of each political issues
1156 expenditure;

1157 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1158 (viii) the total amount of political issues contributions received and political issues
1159 expenditures disbursed by the reporting political issues committee;

1160 (ix) ~~[a paragraph signed]~~ a statement by the political issues committee's treasurer or
1161 chief financial officer ~~[verifying]~~ certifying that, to the best of the ~~[signer's]~~ person's
1162 knowledge, the financial statement is accurate; and

1163 (x) a summary page in the form required by the lieutenant governor that identifies:

1164 (A) beginning balance;

1165 (B) total contributions during the period since the last statement;

1166 (C) total contributions to date;

1167 (D) total expenditures during the period since the last statement; and

1168 (E) total expenditures to date.

1169 ~~[(b)(i) Political issues contributions received by a political issues committee that have~~
1170 ~~a value of \$50 or less need not be reported individually, but shall be listed on the report as an~~
1171 ~~aggregate total.]~~

1172 ~~[(ii) Two or more political issues contributions from the same source that have an~~

1173 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
1174 separately.]

1175 ~~(c)~~ (b) When reporting political issue expenditures made to circulators of initiative
1176 petitions, the political issues committee:

- 1177 (i) need only report the amount paid to each initiative petition circulator; and
- 1178 (ii) need not report the name or address of the circulator.

1179 (3) A registered political issues committee shall report to the lieutenant governor each
1180 contribution received within 24 hours if the contribution is:

- 1181 (a) in excess of \$1,000; and
- 1182 (b) within the political issues committee's possession within seven days of an election
1183 or a municipal election.

1184 Section 25. Section **20A-11-904** is enacted to read:

1185 **20A-11-904. Contribution given in another's name prohibited.**

1186 A person may not:

- 1187 (1) make a contribution in the name of another;
- 1188 (2) knowingly permit another to make a contribution in the person's name; or
- 1189 (3) knowingly accept a contribution made by one person in the name of another.

1190 Section 26. Section **20A-11-1001** is amended to read:

1191 **20A-11-1001. Electronic form prepared by chief election officer.**

1192 The chief election officer shall:

- 1193 (1) develop and prepare ~~[forms for all]~~ an electronic form for all financial statements
1194 required by this chapter; and
- 1195 (2) provide ~~[copies of the forms]~~ access to the electronic form to the secretary of every
1196 committee, to every candidate, and to all others who request them.

1197 Section 27. Section **20A-11-1002** is amended to read:

1198 **20A-11-1002. Retention and public inspection of financial statements -- Written**
1199 **complaint if statement is false or unlawful.**

1200 (1) The chief election officer shall:

- 1201 (a) make each financial statement required by this chapter or Chapter 12, Part 2,

1202 Judicial Retention Elections:

- 1203 (i) open to public inspection in the office of the chief election officer; and

1204 (ii) available for viewing on the Internet [~~at the lieutenant governor's website within~~
1205 ~~seven calendar days after the report is received by the chief election officer~~] in accordance with
1206 Section 20A-11-103;

1207 (b) preserve those statements for at least five years; and

1208 (c) provide certified copies of the financial statements in the same manner as for other
1209 public records.

1210 (2) Any candidate or voter may file a written complaint with the chief election officer
1211 alleging that a filed financial statement does not conform to law or to the truth.

1212 Section 28. Section **20A-11-1005** is enacted to read:

1213 **20A-11-1005. Fines for failing to file a financial statement.**

1214 (1) The chief election officer shall fine a filing entity:

1215 (a) \$300 for failing to file a financial statement by the filing deadline; and

1216 (b) \$500 for each month after the filing deadline in which the filing entity fails to file
1217 the report.

1218 (2) If a filing entity is unable to pay the fine and files an affidavit of impecuniosity in a
1219 manner similar to Subsection 20A-9-201(5)(d), the chief elections officer shall impose the fine
1220 against the candidate or treasurer, as appropriate.

1221 (3) The chief election officer shall deposit fines collected under this chapter in the
1222 General Fund.

1223 Section 29. Section **20A-11-1301** is amended to read:

1224 **20A-11-1301. School board office candidate -- Campaign requirements.**

1225 (1) Each school board office candidate shall deposit each contribution and public
1226 service assistance received in one or more separate accounts in a financial institution that are
1227 dedicated only to that purpose.

1228 (2) A school board office candidate may not deposit or mingle any contributions or
1229 public service assistance received into a personal or business account.

1230 (3) A school board office candidate may not make any political expenditures prohibited
1231 by law.

1232 (4) If a person who is no longer a school board candidate chooses not to expend the
1233 monies remaining in a campaign account, the person shall continue to file the year-end
1234 summary report required by Section 20A-11-1302 until the statement of dissolution and final

1235 summary report required by Section 20A-11-1304 are filed with:

1236 (a) the lieutenant governor in the case of a state school board candidate; and

1237 (b) the county clerk, in the case of a local school board candidate.

1238 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1239 is no longer a school board candidate may not expend or transfer the monies in a campaign
1240 account in a manner that would cause the former school board candidate to recognize the
1241 monies as taxable income under federal tax law.

1242 (b) A person who is no longer a school board candidate may transfer the monies in a
1243 campaign account in a manner that would cause the former school board candidate to recognize
1244 the monies as taxable income under federal tax law if the transfer is made to a campaign
1245 account for federal office.

1246 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1247 (i) for a cash contribution, that the cash is given to a ~~[legislative]~~ school board office
1248 candidate or a member of the candidate's personal campaign committee;

1249 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1250 instrument or check is negotiated; and

1251 (iii) for any other type of contribution, that any portion of the contribution's benefit
1252 inures to the ~~[legislative]~~ school board office candidate.

1253 (b) Each school board office candidate shall report to the chief election officer each
1254 contribution and public service assistance ~~[to the lieutenant governor]~~;

1255 (i) within 30 days after the contribution or public service assistance is received[-]; and

1256 (ii) within 24 hours if the contribution or public service assistance is:

1257 (A) in excess of \$1,000; and

1258 (B) within the school board office candidate's possession within seven days of an
1259 election.

1260 Section 30. Section **20A-11-1302** is amended to read:

1261 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1262 **-- Year-end summary report.**

1263 (1) (a) Each school board office candidate shall file a summary report by January 10 of
1264 the year after the regular general election year.

1265 (b) ~~[Beginning with the 2008 regular general election and in]~~ In addition to the

1266 requirements of Subsection (1)(a), a former school board office candidate that has not filed the
1267 statement of dissolution and final summary report required under Section 20A-11-1304 shall
1268 continue to file a summary report on January 10 of each year.

1269 (2) (a) Each summary report shall include the following information as of December 31
1270 of the previous year:

1271 (i) the net balance of the last [~~summary report~~] financial statement, if any;

1272 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1273 if any, during the previous year;

1274 (iii) a single figure equal to the total amount of expenditures reported on all interim
1275 reports, if any, filed during the previous year;

1276 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1277 the last summary report that has not been reported in detail on an interim report;

1278 (v) for each nonmonetary contribution:

1279 (A) the fair market value of the contribution with that information provided by the
1280 contributor; and

1281 (B) a specific description of the contribution;

1282 (vi) a detailed listing of each expenditure made since the last summary report that has
1283 not been reported in detail on an interim report;

1284 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1285 (viii) a net balance for the year consisting of the net balance from the last summary
1286 report, if any, plus all receipts minus all expenditures.

1287 [~~(b) (i) For all individual contributions or public service assistance of \$50 or less, a
1288 single aggregate figure may be reported without separate detailed listings.]~~

1289 [~~(ii) Two or more contributions from the same source that have an aggregate total of
1290 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1291 [~~(c)~~] (b) In preparing the report, all receipts and expenditures shall be reported as of
1292 December 31 of the previous year.

1293 (c) A check or negotiable instrument within the possession of a school board office
1294 candidate on or before December 31 of the previous year shall be negotiated and included in
1295 the summary report.

1296 (3) [~~The summary report shall contain a paragraph signed by the~~] The school board

1297 office candidate [~~certifying~~] shall certify in the summary report that, to the best of the school
1298 board office candidate's knowledge, all receipts and all expenditures have been reported as of
1299 December 31 of the previous year and that there are no bills or obligations outstanding and
1300 unpaid except as set forth in that report.

1301 Section 31. Section **20A-11-1303** is amended to read:

1302 **20A-11-1303. School board office candidate -- Financial reporting requirements**
1303 **-- Interim reports.**

1304 (1) Each school board office candidate shall file an interim report at the following
1305 times in any year in which the candidate has filed a declaration of candidacy for a public office:

- 1306 (a) May 15, for state school board office candidates;
1307 (b) seven days before the regular primary election date;
1308 (c) August 31; and
1309 (d) seven days before the regular general election date.

1310 (2) Each interim report shall include the following information:

- 1311 (a) the net balance of the last [~~summary report~~] financial statement, if any;
1312 (b) a single figure equal to the total amount of receipts reported on all prior interim
1313 reports, if any, during the calendar year in which the interim report is due;
1314 (c) a single figure equal to the total amount of expenditures reported on all prior
1315 interim reports, if any, filed during the calendar year in which the interim report is due;
1316 (d) a detailed listing of each contribution and public service assistance received since
1317 the last summary report that has not been reported in detail on a prior interim report;
1318 (e) for each nonmonetary contribution:
1319 (i) the fair market value of the contribution with that information provided by the
1320 contributor; and
1321 (ii) a specific description of the contribution;
1322 (f) a detailed listing of each expenditure made since the last summary report that has
1323 not been reported in detail on a prior interim report;
1324 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
1325 (h) a net balance for the year consisting of the net balance from the last summary
1326 report, if any, plus all receipts since the last summary report minus all expenditures since the
1327 last summary report; and

- 1328 (i) a summary page in the form required by the lieutenant governor that identifies:
1329 (i) beginning balance;
1330 (ii) total contributions during the period since the last statement;
1331 (iii) total contributions to date;
1332 (iv) total expenditures during the period since the last statement; and
1333 (v) total expenditures to date.

1334 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a~~
1335 ~~single aggregate figure may be reported without separate detailed listings.]~~

1336 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
1337 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1338 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
1339 reported as of five days before the required filing date of the report.

1340 (b) Any negotiable instrument or check ~~[received by]~~ within the possession of a school
1341 board office candidate more than five days before the required filing date of a report required
1342 by this section shall be negotiated and included in the interim report.

1343 Section 32. Section **20A-11-1305** is amended to read:

1344 **20A-11-1305. School board office candidate -- Failure to file statement.**

1345 (1) (a) If a school board office candidate fails to file an interim report due before the
1346 regular primary election, on August 31, and before the regular general election, the chief
1347 election officer shall, after making a reasonable attempt to discover if the report was timely
1348 ~~[mailed]~~ filed, ~~[inform the county clerk and other appropriate election officials who:]~~ impose a
1349 fine against the filing entity in accordance with Section 20A-11-1005.

1350 ~~[(i) shall, if practicable, remove the name of the candidate by blacking out the~~
1351 ~~candidate's name before the ballots are delivered to voters; or]~~

1352 ~~[(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~
1353 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
1354 ~~cast for candidate will not be counted; and]~~

1355 ~~[(iii) may not count any votes for that candidate.]~~

1356 ~~[(b) Any school board office candidate who fails to file timely a financial statement~~
1357 ~~required by this part is disqualified and the vacancy on the ballot may be filled as provided in~~
1358 ~~Section 20A-1-501.]~~

1359 ~~[(c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is~~
1360 ~~not disqualified if:]~~

1361 (b) The chief election officer may not impose the fine if:

1362 (i) the candidate timely files the reports required by this section in accordance with
1363 Section 20A-11-103;

1364 (ii) those reports are completed, detailing accurately and completely the information
1365 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1366 and

1367 (iii) those omissions, errors, or inaccuracies ~~[are]~~ described in Subsection (1)(b)(ii) are
1368 explained, clearly shown, and corrected in an amended report or in the next scheduled report.

1369 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
1370 for state school board, the lieutenant governor shall review each filed summary report to ensure
1371 that:

1372 (i) each state school board candidate that is required to file a summary report has filed
1373 one; and

1374 (ii) each summary report contains the information required by this part.

1375 (b) If it appears that any state school board candidate has failed to file the summary
1376 report required by law, if it appears that a filed summary report does not conform to the law, or
1377 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1378 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1379 violation or receipt of a written complaint, notify the state school board candidate of the
1380 violation or written complaint and direct the state school board candidate to file a summary
1381 report correcting the problem.

1382 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
1383 summary report within 14 days after receiving notice from the lieutenant governor under this
1384 section.

1385 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
1386 class B misdemeanor.

1387 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1388 attorney general.

1389 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county

1390 clerk shall review each filed summary report to ensure that:

1391 (i) each local school board candidate that is required to file a summary report has filed
1392 one; and

1393 (ii) each summary report contains the information required by this part.

1394 (b) If it appears that any local school board candidate has failed to file the summary
1395 report required by law, if it appears that a filed summary report does not conform to the law, or
1396 if the county clerk has received a written complaint alleging a violation of the law or the falsity
1397 of any summary report, the county clerk shall, within five days of discovery of a violation or
1398 receipt of a written complaint, notify the local school board candidate of the violation or
1399 written complaint and direct the local school board candidate to file a summary report
1400 correcting the problem.

1401 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
1402 summary report within 14 days after receiving notice from the county clerk under this section.

1403 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
1404 class B misdemeanor.

1405 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
1406 county attorney.

1407 Section 33. Section **20A-11-1402** is amended to read:

1408 **20A-11-1402. Definitions.**

1409 (1) As used in this part:

1410 (a) "Ballot proposition" includes constitutional amendments, initiatives, referenda,
1411 judicial retention questions, opinion questions, or other questions submitted to the voters for
1412 their approval or rejection.

1413 ~~[(b) (i) "Labor organization" means a lawful organization of any kind that is composed,
1414 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing
1415 with employers concerning grievances, labor disputes, wages, rates of pay, hours of
1416 employment, or other terms and conditions of employment.]~~

1417 ~~[(ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each
1418 employee association and union for employees of public and private sector employers.]~~

1419 ~~[(iii) "Labor organization" does not include organizations governed by the National
1420 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151~~

1421 et seq.]

1422 [~~(e)~~] (b) "Political fund" means a separate segregated fund established by a labor
1423 organization for political purposes that meets the requirements of this part.

1424 [~~(d)~~] (c) "Political purposes" means an act done with the intent or in a way to influence
1425 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1426 against any candidate for public office at any caucus, political convention, [primary,] or
1427 election.

1428 [~~(e)~~] (d) "Union dues" means dues, fees, monies, or other assessments required as a
1429 condition of membership or participation in a labor organization.

1430 (2) Other terms defined in Section 20A-11-101 apply to this part.

1431 Section 34. Section **20A-11-1501** is enacted to read:

1432 **Part 15. Labor Organizations**

1433 **20A-11-1501. Campaign financial reporting of contributions -- Filing**
1434 **requirements -- Statement contents.**

1435 (1) (a) Each labor organization that has made expenditures for political purposes that
1436 total at least \$750 during a calendar year shall file a verified financial statement with the
1437 lieutenant governor's office:

1438 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1439 (ii) seven days before the regular primary election date;

1440 (iii) on August 31; and

1441 (iv) seven days before the regular general election date.

1442 (b) The labor organization shall report:

1443 (i) a detailed listing of all expenditures made since the last statement; and

1444 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all

1445 expenditures as of five days before the required filing date of the financial statement.

1446 (c) The labor organization need not file a statement under this section if it made no
1447 expenditures during the reporting period.

1448 (2) That statement shall include:

1449 (a) the name and address of each reporting entity that received an expenditure from the
1450 labor organization, and the amount of each expenditure;

1451 (b) the total amount of expenditures disbursed by the labor organization; and

1452 (c) a statement by the labor organization's treasurer or chief financial officer certifying
1453 the accuracy of the financial report.

1454 Section 35. Section **20A-12-303** is amended to read:

1455 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1456 (1) The judge or the judge's personal campaign committee shall deposit each
1457 contribution in one or more separate personal campaign accounts in a financial institution.

1458 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1459 any contributions received into a personal or business account.

1460 (3) (a) As used in this Subsection (3), "received" means:

1461 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1462 campaign committee;

1463 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1464 instrument or check is negotiated; and

1465 (iii) for any other type of contribution, that any portion of the contribution's benefit
1466 inures to the judge.

1467 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1468 governor each contribution:

1469 (i) within 30 days after the contribution is received; and

1470 (ii) within 24 hours if the contribution is:

1471 (A) in excess of \$1,000; and

1472 (B) within the possession of the judge or the judge's personal campaign committee
1473 within seven days of an election.

1474 Section 36. Section **20A-12-304** is amended to read:

1475 **20A-12-304. Judicial retention election candidates -- Financial reporting**
1476 **requirements -- Year-end summary report.**

1477 (1) The judge's personal campaign committee shall file a summary report with the
1478 lieutenant governor by January 10 of the year after the regular general election year.

1479 (2) (a) Each summary report shall include the following information as of December 31
1480 of the last regular general election year:

1481 (i) a single figure equal to the total amount of contributions reported on the interim
1482 report;

- 1483 (ii) a single figure equal to the total amount of expenditures reported on the interim
 1484 report;
- 1485 (iii) a detailed listing of each contribution received since the last summary report that
 1486 has not been reported in detail on the interim report;
- 1487 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 1488 (v) a detailed listing of each expenditure made since the last summary report that has
 1489 not been reported in detail on the interim report;
- 1490 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 1491 (vii) the net balance for the year, consisting of all contributions minus all expenditures.
- 1492 ~~[(b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported~~
 1493 ~~without a separate detailed listing.]~~
- 1494 ~~[(ii) Two or more contributions from the same source for a total of more than \$50 may~~
 1495 ~~not be reported in the aggregate, but shall be reported in the detailed listing.]~~
- 1496 (b) A check or negotiable instrument within the possession of a judge or the judge's
 1497 personal campaign committee on or before December 31 of the previous year shall be
 1498 negotiated and included in the summary report.
- 1499 (3) ~~[The summary report shall contain a statement signed by the]~~ The judge [certifying]
 1500 shall certify in the summary report that, to the best of the judge's knowledge, all contributions
 1501 and all expenditures have been reported as of December 31 of the last regular general election
 1502 year and that there are no financial obligations outstanding except as set forth in the report.

1503 Section 37. Section **20A-12-305** is amended to read:

1504 **20A-12-305. Judicial retention election candidates -- Financial reporting**
 1505 **requirements -- Interim report.**

- 1506 (1) The judge's personal campaign committee shall file an interim report with the
 1507 lieutenant governor ~~[no later than 5 p.m.]~~ before the close of normal office hours on the date
 1508 seven days before the regular general election date.
- 1509 (2) Each interim report shall include the following information:
- 1510 (a) a detailed listing of each contribution received since the last ~~[summary report]~~
 1511 financial statement;
- 1512 (b) for each nonmonetary contribution, the fair market value of the contribution;
- 1513 (c) a detailed listing of each expenditure made since the last summary report;

1514 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
1515 (e) a net balance for the year consisting of all contributions since the last summary
1516 report minus all expenditures since the last summary report.

1517 ~~[(3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be~~
1518 ~~reported without separate detailed listings.]~~

1519 ~~[(b) Two or more contributions from the same source that have an aggregate total of~~
1520 ~~more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~

1521 ~~[(4)]~~ (3) In preparing each interim report, all contributions and expenditures shall be
1522 reported as of five days before the required filing date of the report.

1523 (4) A negotiable instrument or check within the possession of a judge or the judge's
1524 personal campaign committee more than five days before the required filing date of a report
1525 required by this section shall be negotiated and included in the interim report.

1526 Section 38. Section **20A-12-306** is amended to read:

1527 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

1528 (1) (a) If a judge's personal campaign committee fails to file the interim report due
1529 before the regular general election, the lieutenant governor shall, after making a reasonable
1530 attempt to discover if the report was timely ~~[mailed, inform the county clerk and other~~
1531 ~~appropriate election officials who:]~~ filed, impose a fine against the judge's personal campaign
1532 committee in accordance with Section 20A-11-1005.

1533 ~~[(i) shall, if practicable, remove the name of the judge by blacking out the judge's name~~
1534 ~~before the ballots are delivered to voters; or]~~

1535 ~~[(ii) shall, if removing the judge's name from the ballot is not practicable, inform the~~
1536 ~~voters by any practicable method that the judge has been disqualified and that votes cast for the~~
1537 ~~judge will not be counted; and]~~

1538 ~~[(iii) may not count any votes for that judge.]~~

1539 ~~[(b) Any judge who fails to file timely a financial statement required by this part is~~
1540 ~~disqualified.]~~

1541 ~~[(c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified if:]~~

1542 (b) The lieutenant governor may not impose a fine if:

1543 (i) the candidate timely files the reports required by this section in accordance with
1544 Section 20A-11-103;

1545 (ii) ~~those~~ the reports are completed, detailing accurately and completely the
1546 information required by this part except for inadvertent omissions or insignificant errors or
1547 inaccuracies; and

1548 (iii) ~~those~~ the omissions, errors, or inaccuracies ~~are~~ described in Subsection
1549 (1)(b)(ii) are explained, clearly shown, and corrected in an amended report or in the next
1550 scheduled report.

1551 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
1552 governor shall review each filed summary report to ensure that:

1553 (i) each judge that is required to file a summary report has filed one; and

1554 (ii) each summary report contains the information required by this part.

1555 (b) If it appears that any judge has failed to file the summary report required by law, if
1556 it appears that a filed summary report does not conform to the law, or if the lieutenant governor
1557 has received a written complaint alleging a violation of the law or the falsity of any summary
1558 report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a
1559 written complaint, notify the judge of the violation or written complaint and direct the judge to
1560 file a summary report correcting the problem.

1561 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14
1562 days after receiving notice from the lieutenant governor under this section.

1563 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

1564 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
1565 attorney general.

1566 Section 39. **Effective date.**

1567 This bill takes effect on January 1, 2011.