

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-1-611**, as enacted by Laws of Utah 1993, Chapter 1

33 **20A-8-402**, as last amended by Laws of Utah 1999, Chapter 49

34 **20A-11-101**, as last amended by Laws of Utah 2010, Chapters 197, 246, and 389

35 **20A-11-103**, as last amended by Laws of Utah 2010, Chapter 389

36 **20A-11-206**, as last amended by Laws of Utah 2010, Chapter 389

37 **20A-11-305**, as last amended by Laws of Utah 2010, Chapter 389

38 **20A-11-701**, as last amended by Laws of Utah 2010, Chapters 235 and 389

39 **20A-11-802**, as last amended by Laws of Utah 2010, Chapters 235 and 389

40 **20A-11-901**, as last amended by Laws of Utah 2010, Chapter 389

41 **20A-11-1001**, as last amended by Laws of Utah 2010, Chapter 389

42 ~~H→ [**20A-11-1301**, as last amended by Laws of Utah 2010, Chapters 246 and 389] ←H~~

43 **20A-11-1305**, as last amended by Laws of Utah 2010, Chapter 389

44 **20A-11-1503**, as enacted by Laws of Utah 2010, Chapter 389

45 **20A-12-303**, as last amended by Laws of Utah 2010, Chapter 389

46 **20A-12-305**, as last amended by Laws of Utah 2010, Chapter 389

47 ENACTS:

48 **20A-11-509**, Utah Code Annotated 1953

49 **20A-11-510**, Utah Code Annotated 1953

50 **20A-11-511**, Utah Code Annotated 1953

51 **20A-11-512**, Utah Code Annotated 1953



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

54 Section 1. Section **20A-1-611** is amended to read:

55 **20A-1-611. Cost of defense of action.**

56 [(+)] Nothing contained in this chapter prevents any candidate from employing counsel
57 to represent him in any action or proceeding affecting his rights as a candidate or from paying
58 all costs and disbursements arising from that representation.

741 include or cause to be included the name of any person as endorser or supporter in any political
742 advertisement, circular, poster, or publication without the express consent of that person.

743 (4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any
744 newspaper or other periodical to induce him to advocate or oppose editorially any candidate for
745 nomination or election.

746 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
747 advocate or oppose editorially any candidate for nomination or election.

748 Section 14. Section **20A-11-1001** is amended to read:

749 **20A-11-1001. Electronic form prepared by chief election officer.**

750 The chief election officer shall:

751 (1) develop and prepare an electronic form for all financial statements required by this
752 chapter and Chapter 12, Part 2, Judicial Retention Elections; and

753 (2) provide access to the electronic form to the secretary of every committee, to every
754 candidate, and to all others who request ~~[them]~~ a form.

755 ~~H→ [Section 15. Section 20A-11-1301 is amended to read:~~

756 ~~———— 20A-11-1301. School board office candidate -- Campaign requirements:~~

757 ~~———— (1) (a) Each school board office candidate shall deposit each contribution and public~~
758 ~~service assistance received in one or more separate accounts in a financial institution that are~~
759 ~~dedicated only to that purpose:~~

760 ~~———— (b) A school board office candidate may not use money deposited in an account~~
761 ~~described in Subsection (1)(a) for:~~

762 ~~———— (i) a personal use expenditure; or~~

763 ~~———— (ii) an expenditure prohibited by law:~~

764 ~~———— (2) A school board office candidate may not deposit or mingle any contributions or~~
765 ~~public service assistance received into a personal or business account:~~

766 ~~———— (3) A school board office candidate may not make any political expenditures prohibited~~
767 ~~by law:~~

768 ~~———— (4) If a person who is no longer a school board candidate chooses not to expend the~~
769 ~~money remaining in a campaign account, the person shall continue to file the year-end~~
770 ~~summary report required by Section 20A-11-1302 until the statement of dissolution and final~~
771 ~~summary report required by Section 20A-11-1304 are filed with:~~

772 ~~—— (a) the lieutenant governor in the case of a state school board candidate; and~~
 773 ~~—— (b) the county clerk, in the case of a local school board candidate.~~
 774 ~~—— (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who~~
 775 ~~is no longer a school board candidate may not expend or transfer the money in a campaign~~
 776 ~~account in a manner that would cause the former school board candidate to recognize the~~
 777 ~~money as taxable income under federal tax law.~~
 778 ~~—— (b) A person who is no longer a school board candidate may transfer the money in a~~
 779 ~~campaign account in a manner that would cause the former school board candidate to recognize~~
 780 ~~the money as taxable income under federal tax law if the transfer is made to a campaign~~
 781 ~~account for federal office.~~
 782 ~~—— (6) (a) As used in this Subsection (6) and [Section] Sections 20A-11-1302 and~~
 783 ~~20A-11-1303, "received" means:~~
 784 ~~—— (i) for a cash contribution, that the cash is given to a school board office candidate or a~~
 785 ~~member of the candidate's personal campaign committee;~~
 786 ~~—— (ii) for a contribution that is a negotiable instrument or check, that the negotiable~~
 787 ~~instrument or check is negotiated; and~~
 788 ~~—— (iii) for any other type of contribution, that any portion of the contribution's benefit~~
 789 ~~inures to the school board office candidate.~~
 790 ~~—— (b) Each school board office candidate shall report to the chief election officer each~~
 791 ~~contribution and public service assistance within 30 days after the contribution or public~~
 792 ~~service assistance is received.] ←H~~

793 Section H→ [16] 15 ←H . Section 20A-11-1305 is amended to read:

794 **20A-11-1305. School board office candidate -- Failure to file statement --**

795 **Penalties.**

796 (1) (a) If a school board office candidate fails to file an interim report due before the
 797 regular primary election, on August 31, [and] or before the regular general election, the chief
 798 election officer shall, after making a reasonable attempt to discover if the report was timely
 799 filed:

800 (i) inform the county clerk and other appropriate election officials who:

801 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before
 802 the ballots are delivered to voters; or

834 report correcting the problem.

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

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

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

842 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
843 clerk shall review each filed summary report to ensure that:

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

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

847 (b) If it appears that any local school board candidate has failed to file the summary
848 report required by law, if it appears that a filed summary report does not conform to the law, or
849 if the county clerk has received a written complaint alleging a violation of the law or the falsity
850 of any summary report, the county clerk shall, within five days of discovery of a violation or
851 receipt of a written complaint, notify the local school board candidate of the violation or
852 written complaint and direct the local school board candidate to file a summary report
853 correcting the problem.

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

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

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

860 Section ~~H~~→ [17] 16 ←~~H~~ . Section **20A-11-1503** is amended to read:

861 **20A-11-1503. Criminal penalties -- Fines.**

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

864 (a) each labor organization that is required to file a financial statement has filed one;

865 and

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

867 (2) If it appears that any labor organization has failed to file [~~any~~] a financial statement,
868 if it appears that a filed financial statement does not conform to the law, or if the lieutenant
869 governor has received a written complaint alleging a violation of the law or the falsity of [~~any~~]
870 a financial statement, the lieutenant governor shall:

871 (a) impose a fine against the labor organization in accordance with Section
872 20A-11-1005; and

873 (b) within five days of discovery of a violation or receipt of a written complaint, notify
874 the labor organization of the violation or written complaint and direct the labor organization to
875 file a financial statement correcting the problem.

876 (3) (a) It is unlawful for any labor organization to fail to file or amend a financial
877 statement within 14 days after receiving notice from the lieutenant governor under this section.

878 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
879 misdemeanor.

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

882 Section ~~H~~→ [18] 17 ←~~H~~ . Section 20A-12-303 is amended to read:

883 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

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

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

888 (3) (a) As used in this Subsection (3) and ~~H~~→ [~~Sections 20A-12-304 and~~]
888a **Section** ←~~H~~ 20A-12-305,

889 "received" means:

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

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

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

896 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
897 governor each contribution within 30 days after the contribution is received.

898 Section ~~H~~→ [19] 18 ←~~H~~ . Section 20A-12-305 is amended to read:

899 **20A-12-305. Judicial retention election candidates -- Financial reporting**
900 **requirements -- Interim report.**

901 (1) The judge's personal campaign committee shall file an interim report with the
902 lieutenant governor before the close of [~~normal~~] regular office hours on the date seven days
903 before the regular general election date.

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

- 905 (a) a detailed listing of each contribution received since the last financial statement;
- 906 (b) for each nonmonetary contribution, the fair market value of the contribution;
- 907 (c) a detailed listing of each expenditure made since the last summary report;
- 908 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 909 (e) a net balance for the year consisting of all contributions since the last summary
910 report minus all expenditures since the last summary report.

911 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be
912 reported without separate detailed listings.

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

915 (4) In preparing each interim report, all contributions and expenditures shall be
916 reported as of five days before the required filing date of the report.

917 (5) A negotiable instrument or check received by a judge or the judge's personal
918 campaign committee more than five days before the required filing date of a report required by
919 this section shall be included in the interim report.

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