

HB0032S01 compared with HB0032

~~{deleted text}~~ shows text that was in HB0032 but was deleted in HB0032S01.

inserted text shows text that was not in HB0032 but was inserted into HB0032S01.

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Representative Keith Grover proposes the following substitute bill:

CAMPAIGN AND FINANCIAL REPORTING AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

Senate Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~_____ The Government Operations and Political Subdivisions Interim Committee recommended this bill.~~

~~{General Description:~~

~~This bill amends provisions in Title 20A, Election Code, that are related to campaign and financial reporting.~~

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a county political party to file financial statements;
- ▶ requires a political party to file a statement of dissolution;
- ▶ requires a state political party and a county political party to deposit a contribution

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in a separate account:

- ▶ amends provisions regarding candidate disqualification for failure to file an interim report;
- ▶ requires a political issue committee to file a financial disclosure report as of five days before the report is due;
- ▶ amends a provision related to legal costs as campaign expenditures;
- ▶ amends a provision relating to a corporation reporting a contract with the state; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

~~{ 20A-11-1301, as last amended by Laws of Utah 2010, Chapters 246 and 389~~

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

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

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

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

ENACTS:

20A-11-505.7, Utah Code Annotated 1953

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20A-11-509, Utah Code Annotated 1953

20A-11-510, Utah Code Annotated 1953

20A-11-511, Utah Code Annotated 1953

20A-11-512, Utah Code Annotated 1953

20A-11-513, Utah Code Annotated 1953

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

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

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

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

~~[(2) Expenses paid or incurred for that representation may not be considered part of the campaign expenses of any candidate.]~~

Section 2. Section **20A-8-402** is amended to read:

20A-8-402. Political party officers -- Submission of officers to the lieutenant governor.

(1) Each state political party shall:

- (a) designate a party officer to act as liaison with the lieutenant governor's office; and
- (b) within seven days of any change in the party liaison, submit the name of the new

liaison to the lieutenant governor.

(2) Each state political party and each county political party shall:

(a) submit the ~~[names of its officers]~~ name, address, and phone number of each officer to the lieutenant governor within seven days after the officers are selected; and

(b) within seven days of any change in party officers, submit the ~~[names of the new officers]~~ name, address, and phone number of each new officer to the lieutenant governor.

Section 3. Section **20A-11-101** is amended to read:

20A-11-101. Definitions.

As used in this chapter:

(1) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.

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(2) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.

(3) "Candidate" means any person who:

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

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

(4) "Chief election officer" means:

(a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and

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

(5) (a) "Contribution" means any of the following when done for political purposes:

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

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

(iii) any transfer of funds from another reporting entity to the filing entity;

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

(v) remuneration from:

(A) any organization or its directly affiliated organization that has a registered lobbyist;

or

(B) any agency or subdivision of the state, including school districts; and

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

(b) "Contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all

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of their time on behalf of the filing entity;

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

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

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

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

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

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

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

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

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

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

(b) "Corporation" does not mean:

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

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

(8) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.

(9) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.

~~(8)~~ (10) "Detailed listing" means:

(a) for each contribution or public service assistance:

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(i) the name and address of the individual or source making the contribution or public service assistance;

(ii) the amount or value of the contribution or public service assistance; and

(iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the person or entity to whom it was disbursed;

(iii) the specific purpose, item, or service acquired by the expenditure; and

(iv) the date the expenditure was made.

~~[(9)]~~ (11) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

~~[(10)]~~ (12) "Electioneering communication" means a communication that:

(a) has at least a value of \$10,000;

(b) clearly identifies a candidate or judge; and

(c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

~~[(11)]~~ (13) (a) "Expenditure" means:

(i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

(v) a transfer of funds between the filing entity and a candidate's personal campaign committee; or

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(vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.

(b) "Expenditure" does not include:

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

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

(iii) anything listed in Subsection [~~(11)~~] (13)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

[~~(12)~~] (14) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

[~~(13)~~] (15) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

[~~(14)~~] (16) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.

[~~(15)~~] (17) "Incorporation" means the process established by Title 10, Chapter 2, Part 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

[~~(16)~~] (18) "Incorporation election" means the election authorized by Section 10-2-111.

[~~(17)~~] (19) "Incorporation petition" means a petition authorized by Section 10-2-109.

[~~(18)~~] (20) "Individual" means a natural person.

[~~(19)~~] (21) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

[~~(20)~~] (22) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

[~~(21)~~] (23) "Legislative office candidate" means a person who:

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

(b) declares oneself to be a candidate for, or actively campaigns for, the position of

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speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or

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

~~[(22)]~~ (24) "Officeholder" means a person who holds a public office.

~~[(23)]~~ (25) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

~~[(24)]~~ (26) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.

~~[(25)]~~ (27) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

~~[(26)]~~ (28) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.

~~[(27)]~~ (29) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

(i) a party committee;

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

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking

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account;

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

(vi) a personal campaign committee.

~~[(28)]~~ (30) "Political convention" means a county or state political convention held by a registered political party to select candidates.

~~[(29)]~~ (31) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

(iii) an individual;

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

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

~~[(30)]~~ (32) (a) "Political issues contribution" means any of the following:

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

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

(iii) any transfer of funds received by a political issues committee from a reporting

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entity;

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

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

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

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

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

~~[(31)]~~ (33) (a) "Political issues expenditure" means any of the following:

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

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

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

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

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

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

~~[(32)]~~ (34) "Political purposes" means an act done with the intent or in a way to

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influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal or county office at any caucus, political convention, or election.

~~[(33)]~~ (35) "Primary election" means any regular primary election held under the election laws.

~~[(34)]~~ (36) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state or local school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

~~[(35)]~~ (37) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

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

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

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

(i) anything provided by the state;

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

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

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

(v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

~~[(36)]~~ (38) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

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~~[(37)]~~ (39) "Receipts" means contributions and public service assistance.

~~[(38)]~~ (40) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

~~[(39)]~~ (41) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

~~[(40)]~~ (42) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

~~[(41)]~~ (43) "Registered political party" means an organization of voters that:

(a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or

(b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.

~~[(42)]~~ (44) (a) "Remuneration" means a payment:

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

(ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.

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

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

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

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

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

~~[(43)]~~ (45) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

~~[(44)]~~ (46) "School board office" means the office of state school board or local school board.

~~[(45)]~~ (47) (a) "Source" means the person or entity that is the legal owner of the

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tangible or intangible asset that comprises the contribution.

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

~~[(46)]~~ (48) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

~~[(47)]~~ (49) "State office candidate" means a person who:

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

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

~~[(48)]~~ (50) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

~~[(49)]~~ (51) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 4. Section **20A-11-103** is amended to read:

20A-11-103. Notice of pending interim and summary reports -- Form of submission -- Public availability.

(1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by postal mail or, if requested by the filing entity, by electronic mail:

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

(b) Notwithstanding the provisions of Subsection (1)(a), under this section the chief election officer is not required to provide notice:

- (i) to a candidate or political party of the financial statement that is due before the candidate's or political party's political convention;
- (ii) of a financial statement due in connection with a public hearing for an initiative under the requirements of Section 20A-7-204.1; or

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(iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

(2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.

(3) A financial statement is considered timely filed if it is received by the chief election officer's office before the close of regular office hours on the date that it is due.

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

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

(b) post an electronic copy or the contents of each financial statement in a searchable format on a website established by the lieutenant governor:

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

(ii) for a summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date the ~~[statement]~~ summary report or interim report is electronically filed.

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

Section 5. Section **20A-11-206** is amended to read:

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

(1) (a) If a state office candidate fails to file an interim report due before the regular primary election, on August 31, or before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed:

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

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

(II) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes

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cast for the candidate will not be counted; and

(B) may not count any votes for that candidate; and

(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

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

(c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not disqualified and the lieutenant governor may not impose a fine if:

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

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

(iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are corrected in:

(A) an amended report; or

(B) the next scheduled report.

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

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

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

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

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

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

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

Section 6. Section **20A-11-305** is amended to read:

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

(1) (a) If a legislative office candidate fails to file an interim report due before the regular primary election, on August 31, or before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed:

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

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

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

(B) may not count any votes for that candidate; and

(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

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

(c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not disqualified and the lieutenant governor may not impose a fine if:

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

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

(iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are corrected in:

(A) an amended report; or

(B) the next scheduled report.

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

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

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

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

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

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

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

Section 7. Section ~~{20A-11-509}~~ 20A-11-505.7 is enacted to read:

20A-11-505.7. Registered political party separate account for contributions.

(1) A registered political party shall deposit a contribution received in one or more separate campaign accounts in a financial institution.

(2) A registered political party may not deposit or mingle a contribution received into a personal or business account.

Section 8. Section 20A-11-509 is enacted to read:

20A-11-509. County political party separate account for contributions.

(1) A county political party officer shall deposit a contribution received in one or more separate campaign accounts in a financial institution.

(2) A county political party officer may not deposit or mingle a contribution received into a personal or business account.

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Section 9. Section 20A-11-510 is enacted to read:

~~{20A-11-509}~~20A-11-510. County political party financial reporting requirements

-- Year-end summary report.

(1) A county political party officer of a county political party that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year shall file a summary report by January 10 of the following year.

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

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

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

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

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

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

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

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

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

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

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

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

(3) The county political party officer shall certify in the summary report that, to the best of the officer's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

HB0032S01 compared with HB0032

Section ~~{8}~~10. Section ~~{20A-11-510}~~20A-11-511 is enacted to read:

~~{20A-11-510}~~20A-11-511. **County political party financial reporting requirements**

-- Interim reports.

(1) (a) A county political party officer of a county political party that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year shall file an interim report at the following times in any year in which there is a regular general election:

(i) seven days before the county political party's convention;

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

(iii) August 31; and

(iv) seven days before the general election date.

(b) A county political party officer need not file an interim report if it received no contributions or made no expenditures during the reporting period.

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

(a) the net balance of the last financial statement, if any;

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

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

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

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

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

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

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

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

(i) beginning balance;

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

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(iii) total contributions to date;

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

(v) total expenditures to date.

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

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

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

Section ~~{9}~~11. Section ~~{20A-11-511}~~20A-11-512 is enacted to read:

~~{20A-11-511}~~20A-11-512. **County political party -- Criminal penalties -- Fines.**

(1) (a) A county political party officer who fails to file the interim report due before the regular primary election, on August 31, or before the regular general election is:

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

(ii) guilty of a class B misdemeanor.

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

(2) Within 30 days after a deadline for the filing of the January 10 statement required by Section ~~{20A-11-509}~~20A-11-510, the lieutenant governor shall review each filed statement to ensure that:

(a) a county political party officer who is required to file a statement has filed one; and

(b) each statement contains the information required by Section ~~{20A-11-509}~~20A-11-510.

(3) If it appears that any county political party officer has failed to file a financial statement, if it appears that a filed financial statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any financial statement, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the county political party officer of the violation or written complaint and direct the county political party officer to file a financial statement correcting the problem.

(4) (a) It is unlawful for a county political party officer to fail to file or amend a

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financial statement within 14 days after receiving notice from the lieutenant governor under this section.

(b) A county political party officer who violates Subsection (4)(a) is guilty of a class B misdemeanor.

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

Section ~~{10}~~12. Section ~~{20A-11-512}~~20A-11-513 is enacted to read:

~~{20A-11-512}~~20A-11-513. **Termination of duty to report.**

(1) A registered political party or county political party is subject to year-end summary reporting requirements until the registered political party or county political party has filed a statement of dissolution with the lieutenant governor stating that:

(a) the political party is no longer receiving contributions and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero; and

(c) a final summary report in the form required by this part showing a zero balance is filed with the statement of dissolution.

(2) A statement of dissolution and a final summary report may be filed at any time.

(3) A registered political party or county political party shall continue to file the year-end summary report required by this part until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Section ~~{11}~~13. Section **20A-11-701** is amended to read:

20A-11-701. Campaign financial reporting by corporations -- Filing requirements -- Statement contents.

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

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

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

(iii) on August 31; and

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

(b) The corporation shall report:

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- (i) a detailed listing of all expenditures made since the last statement;
- (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all expenditures as of five days before the required filing date of the financial statement; and
- (iii) whether the corporation, including an officer~~[, director, spouse]~~ of the corporation, director of the corporation, or person with at least 10% ownership in the corporation:
 - (A) has bid since the last financial statement on a contract, as defined in Section 63G-6-103, in excess of \$100,000;
 - (B) is currently bidding on a contract, as defined in Section 63G-6-103, in excess of \$100,000; or
 - (C) is a party to a contract, as defined in Section 63G-6-103, in excess of \$100,000.
- (c) The corporation need not file a financial statement under this section if the corporation made no expenditures during the reporting period.

(2) The financial statement shall include:

- (a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;
- (b) the total amount of expenditures disbursed by the corporation; and
- (c) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the financial statement.

Section ~~{12}~~14. Section **20A-11-802** is amended to read:

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

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

- (i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;
- (ii) seven days before the date of an incorporation election, if the political issues committee has received donations or made disbursements to affect an incorporation;
- (iii) at least three days before the first public hearing held as required by Section 20A-7-204.1;
- (iv) if the political issues committee has received or expended funds in relation to an

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initiative or referendum, at the time the initiative or referendum sponsors submit:

- (A) the verified and certified initiative packets as required by Section 20A-7-206; or
- (B) the signed and verified referendum packets as required by Section 20A-7-306;
- (v) on August 31; and
- (vi) seven days before the regular general election.

(b) The political issues committee shall report:

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

(ii) [~~for financial statements filed on August 31 and before the general election;~~] all contributions and expenditures as of five days before the required filing date of the financial statement, except for a financial statement filed on January 10.

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

(2) (a) That statement shall include:

(i) the name and address of any individual that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

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

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

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

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

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

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

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

(ix) a statement by the political issues committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial statement is accurate; and

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

(A) beginning balance;

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

(C) total contributions to date;

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

(E) total expenditures to date.

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

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

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

(i) need only report the amount paid to each initiative petition circulator; and

(ii) need not report the name or address of the circulator.

Section ~~13~~15. Section **20A-11-901** is amended to read:

20A-11-901. Political advertisements -- Requirement that ads designate responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of endorsements.

(1) (a) Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement:

(i) if paid for and authorized by a candidate or the candidate's campaign committee, shall clearly state that the advertisement has been paid for by the candidate or the campaign

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committee;

(ii) if paid for by another person but authorized by a candidate or the candidate's campaign committee, shall clearly state who paid for the advertisement and that the candidate or the campaign committee authorized the advertisement; or

(iii) if not authorized by a candidate or his campaign committee, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any candidate or candidate's committee.

(b) The requirements of Subsection (1)(a) do not apply to:

(i) lawn signs with dimensions of four by eight feet or smaller;

(ii) bumper stickers;

(iii) campaign pins, buttons, and pens; and

(iv) similar small items upon which the disclaimer cannot be conveniently printed.

(2) (a) A person who pays for an electioneering communication shall file a report with the lieutenant governor within 24 hours of making the payment or entering into a contract to make the payment.

(b) The report shall include:

(i) the name and [street] address of the person described in Subsection (2)(a);

(ii) the name and address of each person contributing at least \$100 to the person described in Subsection (2)(a) for the purpose of disseminating the electioneering communication;

(iii) the amount spent on the electioneering communication;

(iv) the name of the identified referenced candidate; and

(v) the medium used to disseminate the electioneering communication.

(3) A person may not, in order to promote the success of any candidate for nomination or election to any public office, or in connection with any question submitted to the voters, include or cause to be included the name of any person as endorser or supporter in any political advertisement, circular, poster, or publication without the express consent of that person.

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

(b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to

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advocate or oppose editorially any candidate for nomination or election.

Section ~~{14}~~16. Section **20A-11-1001** is amended to read:

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

The chief election officer shall:

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

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

Section ~~{15}~~17. Section ~~{20A-11-1301}~~20A-11-1305 is amended to read:

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

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

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

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

~~————~~(ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

~~—— (6) (a) As used in this Subsection (6) and [Section] Sections 20A-11-1302 and 20A-11-1303, "received" means:~~

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

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

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

~~—— (b) Each school board office candidate shall report to the chief election officer each contribution and public service assistance within 30 days after the contribution or public service assistance is received.~~

~~—— Section 16. Section 20A-11-1305 is amended to read:~~

~~‡~~ **20A-11-1305. School board office candidate -- Failure to file statement -- Penalties.**

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

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

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

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

(B) may not count any votes for that candidate; and

(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

(b) Any school board office candidate who fails to file timely a financial statement

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required by [~~this part~~] Subsection 20A-11-1303(1)(b), (c), or (d) is disqualified and the vacancy on the ballot may be filled as provided in Section 20A-1-501.

(c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is not disqualified and the chief election officer may not impose a fine if:

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

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

(iii) those omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are corrected in:

(A) an amended report; or

(B) the next scheduled report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~{17}~~18. Section **20A-11-1503** is amended to read:

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

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

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

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

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

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

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

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

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

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

Section ~~{18}~~19. Section **20A-12-303** is amended to read:

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

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

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

(3) (a) As used in this Subsection (3) and ~~{Sections 20A-12-304 and}~~Section 20A-12-305, "received" means:

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

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

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

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

Section ~~{19}~~20. Section **20A-12-305** is amended to read:

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

(1) The judge's personal campaign committee shall file an interim report with the

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lieutenant governor before the close of ~~[normal]~~ regular office hours on the date seven days before the regular general election date.

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

(a) a detailed listing of each contribution received since the last financial statement;

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

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

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

(e) a net balance for the year consisting of all contributions since the last summary

report minus all expenditures since the last summary report.

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

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

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

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

†

Legislative Review Note

~~as of 11-29-10 6:41 AM~~

~~Office of Legislative Research and General Counsel~~