

Representative Kraig Powell proposes the following substitute bill:

CAMPAIGN FINANCE DISCLOSURE AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends campaign finance provisions related to contributions and expenditures.

Highlighted Provisions:

This bill:

- ▶ amends the scope of an electioneering communication reporting requirement;
- ▶ prohibits an anonymous cash contribution over \$50;
- ▶ requires a candidate for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, state legislator, or State Board of Education member to submit an anonymous cash contribution over \$50 to the lieutenant governor for deposit into the General Fund;
- ▶ requires an officeholder to submit an anonymous cash contribution or cash public service assistance over \$50 to the lieutenant governor for deposit into the General Fund;
- ▶ requires a candidate for municipal office to submit an anonymous cash contribution over the reporting limit to the municipal clerk or recorder for deposit into the municipality's General Fund;
- ▶ requires a candidate for county office to submit an anonymous cash contribution over \$50 to the county clerk for deposit into the county's General Fund;



- 26 ▶ requires a candidate for local school board to submit an anonymous cash
- 27 contribution over \$50 to the school district's business administrator for deposit into
- 28 the school district's general fund; and
- 29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 **AMENDS:**

36 **10-3-208**, as last amended by Laws of Utah 2008, Chapters 49 and 382

37 **17-16-6.5**, as last amended by Laws of Utah 2008, Chapter 49

38 **20A-11-201**, as last amended by Laws of Utah 2010, Chapter 246

39 **20A-11-301**, as last amended by Laws of Utah 2011, Chapter 347

40 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347

41 **20A-11-901**, as last amended by Laws of Utah 2011, Chapter 396

42 **20A-11-904**, as enacted by Laws of Utah 2010, Chapter 389

43 **20A-11-1301**, as last amended by Laws of Utah 2011, Chapter 347



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

46 Section 1. Section **10-3-208** is amended to read:

47 **10-3-208. Campaign finance statement in municipal election.**

48 (1) As used in this section:

49 (a) "Reporting date" means:

50 (i) 10 days before a municipal general election, for a campaign finance statement

51 required to be filed no later than seven days before a municipal general election; and

52 (ii) the day of filing, for a campaign finance statement required to be filed no later than

53 30 days after a municipal primary or general election.

54 (b) "Reporting limit" means:

55 (i) \$50; or

56 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

57 (2) (a) (i) Each candidate for municipal office who is not eliminated at a municipal
58 primary election shall file with the municipal clerk or recorder a campaign finance statement:

59 (A) no later than seven days before the date of the municipal general election; and

60 (B) no later than 30 days after the date of the municipal general election.

61 (ii) Each candidate for municipal office who is eliminated at a municipal primary
62 election shall file with the municipal clerk or recorder a campaign finance statement no later
63 than 30 days after the date of the municipal primary election.

64 (b) Each campaign finance statement under Subsection (2)(a) shall:

65 (i) except as provided in Subsection (2)(b)(ii):

66 (A) report all of the candidate's itemized and total:

67 (I) campaign contributions, including in-kind and other nonmonetary contributions,
68 received before the close of the reporting date; and

69 (II) campaign expenditures made through the close of the reporting date; and

70 (B) identify:

71 (I) for each contribution that exceeds the reporting limit, the amount of the contribution
72 and the name of the donor;

73 (II) the aggregate total of all contributions that individually do not exceed the reporting
74 limit; and

75 (III) for each campaign expenditure, the amount of the expenditure and the name of the
76 recipient of the expenditure; or

77 (ii) report the total amount of all campaign contributions and expenditures if the
78 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the
79 candidate's campaign.

80 (c) (i) A person who makes a cash contribution that exceeds the reporting limit shall
81 disclose the person's name to the candidate who receives the contribution.

82 (ii) If a candidate receives an anonymous cash contribution that exceeds the reporting
83 limit, the candidate:

84 (A) is not required to report the anonymous contribution; and

85 (B) shall submit the anonymous contribution to the municipal clerk or recorder for
86 deposit into the municipality's General Fund.

87 (3) (a) A municipality may, by ordinance:

88 (i) provide a reporting limit lower than \$50;

89 (ii) require greater disclosure of campaign contributions and expenditures than is
90 required in this section; and

91 (iii) impose additional penalties on candidates who fail to comply with the applicable
92 requirements beyond those imposed by this section.

93 (b) A candidate for municipal office is subject to the provisions of this section and not
94 the provisions of an ordinance adopted by the municipality under Subsection (3)(a) if:

95 (i) the municipal ordinance establishes requirements or penalties that differ from those
96 established in this section; and

97 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
98 ordinance as required in Subsection (4).

99 (4) Each municipal clerk or recorder shall, at the time the candidate for municipal
100 office files a declaration of candidacy, and again 14 days before each municipal general
101 election, notify the candidate in writing of:

102 (a) the provisions of statute or municipal ordinance governing the disclosure of
103 campaign contributions and expenditures;

104 (b) the dates when the candidate's campaign finance statement is required to be filed;
105 and

106 (c) the penalties that apply for failure to file a timely campaign finance statement,
107 including the statutory provision that requires removal of the candidate's name from the ballot
108 for failure to file the required campaign finance statement when required.

109 (5) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
110 Access and Management Act, the municipal clerk or recorder shall:

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

113 (b) make the campaign finance statement filed by a candidate available for public
114 inspection by:

115 (i) (A) posting an electronic copy or the contents of the statement on the municipality's
116 website no later than seven business days after the statement is filed; and

117 (B) verifying that the address of the municipality's website has been provided to the
118 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

119 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
120 website established by the lieutenant governor under Section 20A-11-103 no later than two
121 business days after the statement is filed.

122 (6) (a) If a candidate fails to file a campaign finance statement before the municipal
123 general election by the deadline specified in Subsection (2)(a)(i)(A), the municipal clerk or
124 recorder shall inform the appropriate election official who:

125 (i) shall:

126 (A) if practicable, remove the candidate's name from the ballot by blacking out the
127 candidate's name before the ballots are delivered to voters; or

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

131 (ii) may not count any votes for that candidate.

132 (b) Notwithstanding Subsection (6)(a), a candidate who files a campaign finance
133 statement seven days before a municipal general election is not disqualified if:

134 (i) the statement details accurately and completely the information required under
135 Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

136 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the
137 next scheduled report.

138 (7) A campaign finance statement required under this section is considered filed if it is
139 received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

140 (8) (a) A private party in interest may bring a civil action in district court to enforce the
141 provisions of this section or an ordinance adopted under this section.

142 (b) In a civil action under Subsection (8)(a), the court may award costs and attorney's
143 fees to the prevailing party.

144 Section 2. Section **17-16-6.5** is amended to read:

145 **17-16-6.5. Campaign financial disclosure in county elections.**

146 (1) (a) [~~By January 1, 1996, each~~] Each county shall adopt an ordinance establishing
147 campaign finance disclosure requirements for candidates for county office.

148 (b) The ordinance shall include:

149 (i) a requirement that each candidate for county office report [~~his~~] the candidate's

150 itemized and total campaign contributions and expenditures at least once within the two weeks
151 before the election and at least once within two months after the election;

152 (ii) a definition of "contribution" and "expenditure" that requires reporting of
153 nonmonetary contributions such as in-kind contributions and contributions of tangible things;
154 and

155 (iii) a requirement that the financial reports identify:

156 (A) for each contribution of more than \$50, if the name of the donor of the contribution
157 is known, the name of the donor of the contribution and the amount of the contribution; and

158 (B) for each expenditure, the name of the recipient and the amount of the expenditure.

159 (c) The ordinance shall require:

160 (i) a person who makes a cash contribution that exceeds \$50 to disclose the person's
161 name to the candidate who receives the contribution; and

162 (ii) a candidate who receives an anonymous cash contribution that exceeds \$50 to
163 submit the contribution to the county clerk for deposit into the county's General Fund.

164 (2) [~~(a) Except as provided in Subsection (2)(b), if~~ If any county fails to adopt a
165 campaign finance disclosure ordinance [~~by January 1, 1996~~] described in Subsection (1),
166 candidates for county office shall comply with the financial reporting requirements contained
167 in Subsections (3) through [~~(6)~~] (7).

168 [~~(b) If, after August 1, 1995, any county adopts a campaign finance ordinance meeting~~
169 ~~the requirements of Subsection (1), that county need not comply with the requirements of~~
170 ~~Subsections (3) through (6).]~~

171 (3) (a) Except as provided in Subsection (3)(b), and if there is no county ordinance
172 meeting the requirements of this section, each candidate for elective office in any county who
173 is not required to submit a campaign financial statement to the lieutenant governor shall file a
174 signed campaign financial statement with the county clerk:

175 (i) seven days before the date of the regular general election, reporting each
176 contribution of more than \$50 and each expenditure as of 10 days before the date of the regular
177 general election; and

178 (ii) no later than 30 days after the date of the regular general election.

179 (b) Candidates for community council offices are exempt from the requirements of this
180 section.

181 (4) (a) The statement filed seven days before the regular general election shall include:

182 (i) a list of each contribution of more than \$50 received by the candidate if the name of
183 the donor is known, and the name of the donor;

184 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

185 (iii) a list of each expenditure for political purposes made during the campaign period,
186 and the recipient of each expenditure.

187 (b) The statement filed 30 days after the regular general election shall include:

188 (i) a list of each contribution of more than \$50 received after the cutoff date for the
189 statement filed seven days before the election, and the name of the donor;

190 (ii) an aggregate total of all contributions of \$50 or less received by the candidate after
191 the cutoff date for the statement filed seven days before the election; and

192 (iii) a list of all expenditures for political purposes made by the candidate after the
193 cutoff date for the statement filed seven days before the election, and the recipient of each
194 expenditure.

195 (5) Candidates for elective office in any county who are eliminated at a primary
196 election shall file a signed campaign financial statement containing the information required by
197 this section not later than 30 days after the primary election.

198 (6) (a) A person who makes a cash contribution that exceeds \$50 shall disclose the
199 person's name to the candidate who receives the contribution.

200 (b) If a candidate receives an anonymous cash contribution that exceeds \$50, the
201 candidate shall submit the contribution to the county clerk for deposit into the county's General
202 Fund.

203 [~~6~~] (7) Any person who fails to comply with this section is guilty of an infraction.

204 [~~7~~] (8) Counties may, by ordinance, enact requirements that:

205 (a) require greater disclosure of campaign contributions and expenditures; and

206 (b) impose additional penalties.

207 [~~8~~] (9) (a) If a candidate fails to file an interim report due before the election, the
208 county clerk shall, after making a reasonable attempt to discover if the report was timely
209 mailed, inform the appropriate election officials who:

210 (i) shall, if practicable, remove the name of the candidate by blacking out the
211 candidate's name before the ballots are delivered to voters; or

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

215 (iii) may not count any votes for that candidate.

216 (b) Notwithstanding Subsection [~~(8)~~] (9)(a), a candidate is not disqualified if:

217 (i) the candidate files the reports required by this section;

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

221 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
222 the next scheduled report.

223 (c) A report is considered filed if:

224 (i) it is received in the county clerk's office no later than 5 p.m. on the date that it is
225 due;

226 (ii) it is received in the county clerk's office with a [~~U.S.~~] United States Postal Service
227 postmark three days or more before the date that the report was due; or

228 (iii) the candidate has proof that the report was mailed, with appropriate postage and
229 addressing, three days before the report was due.

230 [~~(9)~~] (10) (a) Any private party in interest may bring a civil action in district court to
231 enforce the provisions of this section or any ordinance adopted under this section.

232 (b) In a civil action filed under Subsection [~~(9)~~] (10)(a), the court shall award costs and
233 attorney's fees to the prevailing party.

234 [~~(10)~~] (11) Notwithstanding any provision of Title 63G, Chapter 2, Government
235 Records Access and Management Act, the county clerk shall:

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

238 (b) make the campaign finance statement filed by a candidate available for public
239 inspection by:

240 (i) (A) posting an electronic copy or the contents of the statement on the county's
241 website no later than seven business days after the statement is filed; and

242 (B) verifying that the address of the county's website has been provided to the

243 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
244 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
245 website established by the lieutenant governor under Section 20A-11-103 no later than two
246 business days after the statement is filed.

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

248 **20A-11-201. State office candidate -- Separate bank account for campaign funds.**

249 (1) (a) ~~[Each]~~ Except as provided by Subsection (1)(b), each state office candidate or
250 the candidate's personal campaign committee shall deposit each contribution and public service
251 assistance received in one or more separate campaign accounts in a financial institution.

252 (b) If a state office candidate receives an anonymous cash contribution that exceeds
253 \$50, the state office candidate:

254 (i) shall submit the contribution to the lieutenant governor for deposit into the General
255 Fund; and

256 (ii) is not required to report the contribution.

257 ~~[(b)]~~ (c) A state office candidate or a candidate's personal campaign committee may not
258 use money deposited in a campaign account for:

259 (i) a personal use expenditure; or

260 (ii) an expenditure prohibited by law.

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

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

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

271 (b) A person who is no longer a state office candidate may transfer the money in a
272 campaign account in a manner that would cause the former state office candidate to recognize
273 the money as taxable income under federal tax law if the transfer is made to a campaign

274 account for federal office.

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

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

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

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

282 (b) Each state office candidate shall report each contribution and public service
283 assistance to the lieutenant governor within 30 days after the contribution or public service
284 assistance is received.

285 Section 4. Section **20A-11-301** is amended to read:

286 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**
287 **Candidate as a political action committee officer.**

288 (1) (a) (i) [Each] Except as provided by Subsection (1)(b), each legislative office
289 candidate shall deposit each contribution and public service assistance received in one or more
290 separate accounts in a financial institution that are dedicated only to that purpose.

291 (ii) A legislative office candidate may:

292 (A) receive a contribution or public service assistance from a political action
293 committee registered under Section 20A-11-601; and

294 (B) be designated by a political action committee as an officer who has primary
295 decision-making authority as described in Section 20A-11-601.

296 (b) If a legislative office candidate receives an anonymous contribution that exceeds
297 \$50, the legislative office candidate:

298 (i) shall submit the contribution to the lieutenant governor for deposit into the General
299 Fund; and

300 (ii) is not required to report the contribution.

301 ~~[(b)]~~ (c) A legislative office candidate or the candidate's personal campaign committee
302 may not use money deposited in an account described in Subsection (1)(a)(i) for:

303 (i) a personal use expenditure; or

304 (ii) an expenditure prohibited by law.

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

307 (3) If a person who is no longer a legislative candidate chooses not to expend the
308 money remaining in a campaign account, the person shall continue to file the year-end
309 summary report required by Section 20A-11-302 until the statement of dissolution and final
310 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

311 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
312 is no longer a legislative office candidate may not expend or transfer the money in a campaign
313 account in a manner that would cause the former legislative office candidate to recognize the
314 money as taxable income under federal tax law.

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

319 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

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

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

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

326 (b) Each legislative office candidate shall report each contribution and public service
327 assistance to the lieutenant governor within 30 days after the contribution or public service
328 assistance is received.

329 Section 5. Section **20A-11-401** is amended to read:

330 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
331 **report -- Officeholder as a political action committee officer -- Deposit of anonymous**
332 **contribution.**

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

334 (b) An officeholder that is required to file a summary report both as an officeholder and
335 as a candidate for office under the requirements of this chapter may file a single summary

336 report as a candidate and an officeholder, provided that the combined report meets the
337 requirements of:

338 (i) this section; and

339 (ii) the section that provides the requirements for the summary report filed by the
340 officeholder in the officeholder's capacity of a candidate for office.

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

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

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

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

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

350 (v) for each nonmonetary contribution:

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

353 (B) a specific description of the contribution;

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

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

356 (viii) a net balance for the year consisting of the net balance from the last summary
357 report plus all receipts minus all expenditures; and

358 (ix) the name of a political action committee for which the officeholder is designated
359 as an officer who has primary decision-making authority under Section 20A-11-601.

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

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

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

366 (3) The summary report shall contain a paragraph signed by the officeholder certifying

367 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been
368 reported as of December 31 of the last calendar year and that there are no bills or obligations
369 outstanding and unpaid except as set forth in that report.

370 (4) An officeholder may:

371 (a) receive public service assistance from a political action committee registered under
372 Section 20A-11-601; and

373 (b) be designated by a political action committee as an officer who has primary
374 decision-making authority as described in Section 20A-11-601.

375 (5) (a) If an officeholder receives an anonymous cash contribution or cash public
376 service assistance that exceeds \$50, the candidate:

377 (i) except as provided by Subsection (5)(b), shall submit the contribution or public
378 service assistance to the lieutenant governor for deposit into the General Fund; and

379 (ii) is not required to report the contribution or public service assistance.

380 (b) A local school board member shall submit an anonymous cash contribution or cash
381 public service assistance that exceeds \$50 to the school district's business administrator for
382 deposit into the school district's general fund.

383 Section 6. Section **20A-11-901** is amended to read:

384 **20A-11-901. Political advertisements -- Requirement that ads designate**
385 **responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of**
386 **endorsements.**

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

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

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

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

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

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

403 (ii) bumper stickers;

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

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

406 (2) (a) A person who is not a reporting entity and pays for an electioneering
 407 communication shall file a report with the lieutenant governor within 24 hours of making the
 408 payment or entering into a contract to make the payment.

409 (b) The report shall include:

410 (i) the name and address of the person described in Subsection (2)(a);

411 **H→ [f] (ii) the name and address of each person contributing at least \$100 to the person**
 412 **described in Subsection (2)(a) for the purpose of disseminating the electioneering**
 413 **communication; [f]**

414 [f] (iii) [f] [~~(iii)~~] ←H the amount spent on the electioneering communication;

415 H→ [f] (iv) [f] [~~(iii)~~] ←H the name of the identified referenced candidate; and

416 H→ [f] (v) [f] [~~(iv)~~] ←H the medium used to disseminate the electioneering
 416a communication.

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

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

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

426 Section 7. Section **20A-11-904** is amended to read:

427 **20A-11-904. Contribution given in another's name prohibited -- Anonymous**
 428 **contribution prohibited.**

429 A person may not:

- 430 (1) make a contribution in the name of another;
- 431 (2) knowingly permit another to make a contribution in the person's name; [~~or~~]
- 432 (3) knowingly accept a contribution made by one person in the name of another[~~;~~]; or
- 433 (4) make a contribution that exceeds \$50 without disclosing the person's name.

434 Section 8. Section **20A-11-1301** is amended to read:

435 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
 436 **Candidate as a political action committee officer.**

437 (1) (a) (i) [~~Each~~] Except as provided by Subsection (1)(b), each school board office
 438 candidate shall deposit each contribution and public service assistance received in one or more
 439 separate accounts in a financial institution that are dedicated only to that purpose.

440 (ii) A school board office candidate may:

441 (A) receive a contribution or public service assistance from a political action
 442 committee registered under Section 20A-11-601; and

443 (B) be designated by a political action committee as an officer who has primary
 444 decision-making authority as described in Section 20A-11-601.

445 (b) (i) If a candidate for the State Board of Education receives an anonymous
 446 contribution that exceeds \$50, the candidate:

447 (A) shall submit the contribution to the lieutenant governor for deposit into the General
 448 Fund; and

449 (B) is not required to report the contribution.

450 (ii) If a candidate for local school board receives an anonymous contribution that
 451 exceeds \$50, the candidate:

452 (A) shall submit the contribution to the school district's business administrator for
 453 deposit into the school district's general fund; and

454 (B) is not required to report the contribution.

455 [~~(b)~~] (c) A school board office candidate may not use money deposited in an account
 456 described in Subsection (1)(a)(i) for:

457 (i) a personal use expenditure; or

458 (ii) an expenditure prohibited by law.

459 (2) A school board office candidate may not deposit or mingle any contributions or

460 public service assistance received into a personal or business account.

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

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

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

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

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

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

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

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

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

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

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