

Representative Kraig Powell proposes the following substitute bill:

CAMPAIGN CONTRIBUTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends campaign finance provisions related to anonymous cash contributions and aggregate reporting of cash contributions.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ requires a candidate, judge, political action committee, political party, or a political issues committee that receives an anonymous cash contribution that exceeds \$50 to:
 - report the amount of the contribution and identify the donor as unknown; or
 - within 30 days after the day on which the contribution is received, disburse the amount of the contribution to the state, a political subdivision of the state, or a charitable organization; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **10-3-208**, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230

28 **17-16-6.5**, as last amended by Laws of Utah 2012, Chapter 230

29 **20A-11-101**, as last amended by Laws of Utah 2012, Chapter 230

30 **20A-11-201**, as last amended by Laws of Utah 2012, Chapter 230

31 **20A-11-301**, as last amended by Laws of Utah 2012, Chapter 230

32 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347

33 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396

34 **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225

35 **20A-11-507**, as last amended by Laws of Utah 2010, Chapter 389

36 **20A-11-510**, as enacted by Laws of Utah 2011, Chapter 396

37 **20A-11-511**, as enacted by Laws of Utah 2011, Chapter 396

38 **20A-11-602**, as last amended by Laws of Utah 2012, Chapters 69 and 230

39 **20A-11-802**, as last amended by Laws of Utah 2012, Chapters 69 and 230

40 **20A-11-1301**, as last amended by Laws of Utah 2012, Chapter 230

41 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166

42 **20A-12-303**, as last amended by Laws of Utah 2011, Chapter 396



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

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

46 **10-3-208. Campaign finance disclosure in municipal election.**

47 (1) As used in this section:

48 (a) "Reporting date" means:

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

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

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

52 30 days after a municipal primary or general election.

53 (b) "Reporting limit" means for each calendar year:

54 (i) \$50; or

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

56 (2) (a) (i) Each candidate for municipal office:

57 (A) shall deposit a campaign contribution in a separate campaign account in a financial
58 institution; and

59 (B) may not deposit or mingle any campaign contributions received into a personal or
60 business account.

61 (ii) Each candidate for municipal office who is not eliminated at a municipal primary
62 election shall file with the municipal clerk or recorder a campaign finance statement:

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

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

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

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

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

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

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

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

74 (B) identify:

75 (I) for each contribution that exceeds the reporting limit, the amount of the contribution
76 and the name of the donor, if known;

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

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

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

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

86 (d) A candidate who receives a cash contribution that exceeds the reporting limit from
87 a donor whose name is unknown shall:

88 (i) report the amount of the contribution and identify the donor as unknown; or
89 (ii) within 30 days after the day on which the candidate receives the cash contribution,
90 disburse the amount of the cash contribution to:

91 (A) the state treasurer for deposit into the General Fund;

92 (B) the treasurer of a political subdivision of the state for deposit into the political
93 subdivision's general fund; or

94 (C) an organization that is exempt from federal income taxation under Section
95 501(c)(3), Internal Revenue Code.

96 (3) (a) As used in this Subsection (3), "account" means an account in a financial
97 institution:

98 (i) that is not described in Subsection (2)(a)(i)(A); and

99 (ii) into which or from which a person who, as a candidate for an office, other than a
100 municipal office for which the person files a declaration of candidacy or federal office, or as a
101 holder of an office, other than a municipal office for which the person files a declaration of
102 candidacy or federal office, deposits a contribution or makes an expenditure.

103 (b) A municipal office candidate shall include on any campaign finance statement filed
104 in accordance with this section:

105 (i) a contribution deposited in an account:

106 (A) since the last campaign finance statement was filed; or

107 (B) that has not been reported under a statute or ordinance that governs the account; or

108 (ii) an expenditure made from an account:

109 (A) since the last campaign finance statement was filed; or

110 (B) that has not been reported under a statute or ordinance that governs the account.

111 (4) (a) A municipality may, by ordinance:

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

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

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

117 (b) A candidate for municipal office is subject to the provisions of this section and not
118 the provisions of an ordinance adopted by the municipality under Subsection (4)(a) if:

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

121 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
122 ordinance as required in Subsection (5).

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

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

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

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

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

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

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

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

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

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

146 (7) (a) If a candidate fails to file a campaign finance statement before the municipal
147 general election by the deadline specified in Subsection (2)(a)(ii)(A), the municipal clerk or
148 recorder shall inform the appropriate election official who:

149 (i) shall:

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

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

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

156 (b) Notwithstanding Subsection (7)(a), a candidate who files a campaign finance
157 statement seven days before a municipal general election is not disqualified if:

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

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

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

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

166 (b) In a civil action under Subsection (9)(a), the court may award costs and attorney
167 fees to the prevailing party.

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

169 **17-16-6.5. Campaign financial disclosure in county elections.**

170 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure
171 requirements for candidates for county office.

172 (b) The ordinance required by Subsection (1)(a) shall include:

173 (i) a requirement that each candidate for county office report the candidate's itemized
174 and total campaign contributions and expenditures at least once within the two weeks before
175 the election and at least once within two months after the election;

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

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

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

181 (B) for each expenditure, the name of the recipient and the amount of the expenditure;
182 (iv) a requirement that a candidate for county office deposit a contribution in a separate
183 campaign account in a financial institution; [~~and~~]
184 (v) a prohibition against a candidate for county office depositing or mingling any
185 contributions received into a personal or business account[-];
186 (vi) a requirement that a person who makes a cash contribution that exceeds \$50
187 disclose the person's name to the candidate who receives the contribution; and
188 (vii) a requirement that a candidate for county office who receives a cash contribution
189 that exceeds \$50 from a donor whose name is unknown shall:
190 (A) report the amount of the contribution and identify the donor as unknown; or
191 (B) within 30 days after the day on which the candidate receives the cash contribution,
192 disburse the amount of the cash contribution to the state treasurer for deposit into the General
193 Fund, the treasurer of a political subdivision of the state for deposit into the political
194 subdivision's general fund, or an organization that is exempt from federal income taxation
195 under Section 501(c)(3), Internal Revenue Code.
196 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial
197 institution:
198 (A) that is not described in Subsection (1)(b)(iv); and
199 (B) into which or from which a person who, as a candidate for an office, other than a
200 county office for which the person files a declaration of candidacy or federal office, or as a
201 holder of an office, other than a county office for which the person files a declaration of
202 candidacy or federal office, deposits a contribution or makes an expenditure.
203 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a
204 candidate for county office include on a financial report filed in accordance with the ordinance
205 a contribution deposited in or an expenditure made from an account:
206 (A) since the last financial report was filed; or
207 (B) that has not been reported under a statute or ordinance that governs the account.
208 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
209 Subsection (1), candidates for county office, other than community council office, shall comply
210 with the financial reporting requirements contained in Subsections (3) through [~~(7)~~] (8).
211 (3) A candidate for elective office in a county:

212 (a) shall deposit a contribution in a separate campaign account in a financial institution;
213 and

214 (b) may not deposit or mingle any contributions received into a personal or business
215 account.

216 (4) Each candidate for elective office in any county who is not required to submit a
217 campaign financial statement to the lieutenant governor shall file a signed campaign financial
218 statement with the county clerk:

219 (a) seven days before the date of the regular general election, reporting each
220 contribution of more than \$50 and each expenditure as of 10 days before the date of the regular
221 general election; and

222 (b) no later than 30 days after the date of the regular general election.

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

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

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

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

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

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

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

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

237 (6) (a) As used in this Subsection (6), "account" means an account in a financial
238 institution:

239 (i) that is not described in Subsection (3)(a); and

240 (ii) into which or from which a person who, as a candidate for an office, other than a
241 county office for which the person filed a declaration of candidacy or federal office, or as a
242 holder of an office, other than a county office for which the person filed a declaration of

243 candidacy or federal office, deposits a contribution or makes an expenditure.

244 (b) A county office candidate shall include on any campaign financial statement filed
245 in accordance with Subsection (4) or (5):

246 (i) a contribution deposited in an account:

247 (A) since the last campaign finance statement was filed; or

248 (B) that has not been reported under a statute or ordinance that governs the account; or

249 (ii) an expenditure made from an account:

250 (A) since the last campaign finance statement was filed; or

251 (B) that has not been reported under a statute or ordinance that governs the account.

252 (7) A county office candidate who receives a cash contribution that exceeds \$50 from a
253 donor whose name is unknown shall:

254 (a) report the amount of the contribution and identify the donor as unknown; or

255 (b) within 30 days after the day on which the candidate receives the cash contribution,
256 disburse the amount of the cash contribution to:

257 (i) the state treasurer for deposit into the General Fund;

258 (ii) the treasurer of a political subdivision of the state for deposit into the political
259 subdivision's general fund; or

260 (iii) an organization that is exempt from federal income taxation under Section
261 501(c)(3), Internal Revenue Code.

262 [~~7~~] (8) Candidates for elective office in any county who are eliminated at a primary
263 election shall file a signed campaign financial statement containing the information required by
264 this section not later than 30 days after the primary election.

265 [~~8~~] (9) Any person who fails to comply with this section is guilty of an infraction.

266 [~~9~~] (10) Counties may, by ordinance, enact requirements that:

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

268 (b) impose additional penalties.

269 [~~10~~] (11) (a) If a candidate fails to file an interim report due before the election, the
270 county clerk shall, after making a reasonable attempt to discover if the report was timely
271 mailed, inform the appropriate election officials who:

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

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

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

278 (b) Notwithstanding Subsection [~~(11)~~] (11)(a), a candidate is not disqualified if:

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

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

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

285 (c) A report is considered filed if:

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

288 (ii) it is received in the county clerk's office with a United States Postal Service
289 postmark three days or more before the date that the report was due; or

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

292 [~~(11)~~] (12) (a) Any private party in interest may bring a civil action in district court to
293 enforce the provisions of this section or any ordinance adopted under this section.

294 (b) In a civil action filed under Subsection [~~(11)~~] (12)(a), the court shall award costs
295 and [~~attorney's~~] attorney fees to the prevailing party.

296 [~~(12)~~] (13) Notwithstanding any provision of Title 63G, Chapter 2, Government
297 Records Access and Management Act, the county clerk shall:

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

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

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

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

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

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

310 **20A-11-101. Definitions.**

311 As used in this chapter:

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

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

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

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

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

322 (4) "Chief election officer" means:

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

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

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

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

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

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

335 (iv) compensation paid by any person or reporting entity other than the filing entity for

336 personal services provided without charge to the filing entity;
337 (v) remuneration from:
338 (A) any organization or its directly affiliated organization that has a registered lobbyist;
339 or
340 (B) any agency or subdivision of the state, including school districts; and
341 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
342 market value.
343 (b) "Contribution" does not include:
344 (i) services provided without compensation by individuals volunteering a portion or all
345 of their time on behalf of the filing entity;
346 (ii) money lent to the filing entity by a financial institution in the ordinary course of
347 business; or
348 (iii) goods or services provided for the benefit of a candidate or political party at less
349 than fair market value that are not authorized by or coordinated with the candidate or political
350 party.
351 (6) "Coordinated with" means that goods or services provided for the benefit of a
352 candidate or political party are provided:
353 (a) with the candidate's or political party's prior knowledge, if the candidate or political
354 party does not object;
355 (b) by agreement with the candidate or political party;
356 (c) in coordination with the candidate or political party; or
357 (d) using official logos, slogans, and similar elements belonging to a candidate or
358 political party.
359 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
360 organization that is registered as a corporation or is authorized to do business in a state and
361 makes any expenditure from corporate funds for:
362 (i) the purpose of expressly advocating for political purposes; or
363 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
364 proposition.
365 (b) "Corporation" does not mean:
366 (i) a business organization's political action committee or political issues committee; or

- 367 (ii) a business entity organized as a partnership or a sole proprietorship.
- 368 (8) "County political party" means, for each registered political party, all of the persons
369 within a single county who, under definitions established by the political party, are members of
370 the registered political party.
- 371 (9) "County political party officer" means a person whose name is required to be
372 submitted by a county political party to the lieutenant governor in accordance with Section
373 20A-8-402.
- 374 (10) "Detailed listing" means:
- 375 (a) for each contribution or public service assistance:
- 376 (i) the name and address of the individual or source making the contribution or public
377 service assistance, unless the name or address of the individual or source is unknown;
- 378 (ii) the amount or value of the contribution or public service assistance; and
379 (iii) the date the contribution or public service assistance was made; and
- 380 (b) for each expenditure:
- 381 (i) the amount of the expenditure;
382 (ii) the person or entity to whom it was disbursed;
383 (iii) the specific purpose, item, or service acquired by the expenditure; and
384 (iv) the date the expenditure was made.
- 385 (11) "Election" means each:
- 386 (a) regular general election;
387 (b) regular primary election; and
388 (c) special election at which candidates are eliminated and selected.
- 389 (12) "Electioneering communication" means a communication that:
- 390 (a) has at least a value of \$10,000;
391 (b) clearly identifies a candidate or judge; and
392 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
393 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
394 identified candidate's or judge's election date.
- 395 (13) (a) "Expenditure" means:
- 396 (i) any disbursement from contributions, receipts, or from the separate bank account
397 required by this chapter;

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

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

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

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

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

409 (b) "Expenditure" does not include:

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

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

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

416 (14) "Federal office" means the office of President of the United States, United States
417 Senator, or United States Representative.

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

420 (16) "Financial statement" includes any summary report, interim report, verified
421 financial statement, or other statement disclosing contributions, expenditures, receipts,
422 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
423 Retention Elections.

424 (17) "Governing board" means the individual or group of individuals that determine the
425 candidates and committees that will receive expenditures from a political action committee,
426 political party, or corporation.

427 (18) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
428 Incorporation, by which a geographical area becomes legally recognized as a city or town.

429 (19) "Incorporation election" means the election authorized by Section 10-2-111.

430 (20) "Incorporation petition" means a petition authorized by Section 10-2-109.

431 (21) "Individual" means a natural person.

432 (22) "Interim report" means a report identifying the contributions received and
433 expenditures made since the last report.

434 (23) "Legislative office" means the office of state senator, state representative, speaker
435 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
436 whip of any party caucus in either house of the Legislature.

437 (24) "Legislative office candidate" means a person who:

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

439 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
440 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
441 assistant whip of any party caucus in either house of the Legislature; or

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

445 (25) "Officeholder" means a person who holds a public office.

446 (26) "Party committee" means any committee organized by or authorized by the
447 governing board of a registered political party.

448 (27) "Person" means both natural and legal persons, including individuals, business
449 organizations, personal campaign committees, party committees, political action committees,
450 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

451 (28) "Personal campaign committee" means the committee appointed by a candidate to
452 act for the candidate as provided in this chapter.

453 (29) "Personal use expenditure" has the same meaning as provided under Section
454 20A-11-104.

455 (30) (a) "Political action committee" means an entity, or any group of individuals or
456 entities within or outside this state, a major purpose of which is to:

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

459 (ii) make expenditures to expressly advocate for any person to refrain from voting or to

460 vote for or against any candidate or person seeking election to a municipal or county office.

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

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

465 (i) a party committee;

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

468 (iii) an individual;

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

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

473 (vi) a personal campaign committee.

474 (31) "Political convention" means a county or state political convention held by a
475 registered political party to select candidates.

476 (32) (a) "Political issues committee" means an entity, or any group of individuals or
477 entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

490 (iii) an individual;

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

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

495 (33) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

511 (34) (a) "Political issues expenditure" means any of the following:

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

514 (A) a ballot proposition; or

515 (B) an incorporation petition or incorporation election;

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

518 (A) a ballot proposition; or

519 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

531 (35) "Political purposes" means an act done with the intent or in a way to influence or
532 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
533 against any candidate or a person seeking a municipal or county office at any caucus, political
534 convention, or election.

535 (36) "Primary election" means any regular primary election held under the election
536 laws.

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

541 (38) (a) "Public service assistance" means the following when given or provided to an
542 officeholder to defray the costs of functioning in a public office or aid the officeholder to
543 communicate with the officeholder's constituents:

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

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

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

549 (i) anything provided by the state;

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

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

553 business;

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

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

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

557 officeholder.

558 (39) "Publicly identified class of individuals" means a group of 50 or more individuals

559 sharing a common occupation, interest, or association that contribute to a political action

560 committee or political issues committee and whose names can be obtained by contacting the

561 political action committee or political issues committee upon whose financial statement the

562 individuals are listed.

563 (40) "Receipts" means contributions and public service assistance.

564 (41) "Registered lobbyist" means a person registered under Title 36, Chapter 11,

565 Lobbyist Disclosure and Regulation Act.

566 (42) "Registered political action committee" means any political action committee that

567 is required by this chapter to file a statement of organization with the lieutenant governor's

568 office.

569 (43) "Registered political issues committee" means any political issues committee that

570 is required by this chapter to file a statement of organization with the lieutenant governor's

571 office.

572 (44) "Registered political party" means an organization of voters that:

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

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

575 for any of its candidates for any office; or

576 (b) has complied with the petition and organizing procedures of Chapter 8, Political

577 Party Formation and Procedures.

578 (45) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

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

587 (46) "Reporting entity" means a candidate, a candidate's personal campaign committee,
588 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political
589 action committee, a political issues committee, a corporation, or a labor organization, as
590 defined in Section 20A-11-1501.

591 (47) "School board office" means the office of state school board or local school board.

592 (48) (a) "Source" means the person or entity that is the legal owner of the tangible or
593 intangible asset that comprises the contribution.

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

597 (49) "State office" means the offices of governor, lieutenant governor, attorney general,
598 state auditor, and state treasurer.

599 (50) "State office candidate" means a person who:

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

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

604 (51) "Summary report" means the year end report containing the summary of a
605 reporting entity's contributions and expenditures.

606 (52) "Supervisory board" means the individual or group of individuals that allocate
607 expenditures from a political issues committee.

608 Section 4. Section **20A-11-201** is amended to read:

609 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
610 **-- No personal use -- Report contributions within 30 days -- Report other accounts --**
611 **Anonymous contributions.**

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

615 (b) A state office candidate or a candidate's personal campaign committee may not use
616 money deposited in a campaign account for:

- 617 (i) a personal use expenditure; or
- 618 (ii) an expenditure prohibited by law.

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

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

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

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

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

- 634 (i) for a cash contribution, that the cash is given to a state office candidate or a member
635 of the candidate's personal campaign committee;
- 636 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
637 instrument or check is negotiated; and
- 638 (iii) for any other type of contribution, that any portion of the contribution's benefit
639 inures to the state office candidate.

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

643 (6) (a) As used in this Subsection (6), "account" means an account in a financial
644 institution:

- 645 (i) that is not described in Subsection (1)(a); and

646 (ii) into which or from which a person who, as a candidate for an office, other than the
647 state office for which the person files a declaration of candidacy or federal office, or as a holder
648 of an office, other than a state office for which the person files a declaration of candidacy or
649 federal office, deposits a contribution or makes an expenditure.

650 (b) A state office candidate shall include on any financial statement filed in accordance
651 with this part:

652 (i) a contribution deposited in an account:

653 (A) since the last campaign finance statement was filed; or

654 (B) that has not been reported under a statute or ordinance that governs the account; or

655 (ii) an expenditure made from an account:

656 (A) since the last campaign finance statement was filed; or

657 (B) that has not been reported under a statute or ordinance that governs the account.

658 (7) A state office candidate who receives a cash contribution that exceeds \$50 from a
659 donor whose name is unknown shall:

660 (a) report the amount of the contribution and identify the donor as unknown; or

661 (b) within 30 days after the day on which the candidate receives the cash contribution,
662 disburse the amount of the cash contribution to:

663 (i) the state treasurer for deposit into the General Fund;

664 (ii) the treasurer of a political subdivision of the state for deposit into the political
665 subdivision's general fund; or

666 (iii) an organization that is exempt from federal income taxation under Section
667 501(c)(3), Internal Revenue Code.

668 Section 5. Section **20A-11-301** is amended to read:

669 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**

670 **Candidate as a political action committee officer -- No personal use -- Report**

671 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**

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

675 (ii) A legislative office candidate may:

676 (A) receive a contribution or public service assistance from a political action

677 committee registered under Section 20A-11-601; and

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

680 (b) A legislative office candidate or the candidate's personal campaign committee may
681 not use money deposited in an account described in Subsection (1)(a)(i) for:

682 (i) a personal use expenditure; or

683 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

708 (6) A legislative office candidate who receives a cash contribution that exceeds \$50
709 from a donor whose name is unknown shall:

710 (a) report the amount of the contribution and identify the donor as unknown; or

711 (b) within 30 days after the day on which the candidate receives the cash contribution,
712 disburse the amount of the cash contribution to:

713 (i) the state treasurer for deposit into the General Fund;

714 (ii) the treasurer of a political subdivision of the state for deposit into the political
715 subdivision's general fund; or

716 (iii) an organization that is exempt from federal income taxation under Section
717 501(c)(3), Internal Revenue Code.

718 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "account" means an account in a
719 financial institution:

720 (i) that is not described in Subsection (1)(a)(i); and

721 (ii) into which or from which a person who, as a candidate for an office, other than a
722 legislative office for which the person files a declaration of candidacy or federal office, or as a
723 holder of an office, other than a legislative office for which the person files a declaration of
724 candidacy or federal office, deposits a contribution or makes an expenditure.

725 (b) A legislative office candidate shall include on any financial statement filed in
726 accordance with this part:

727 (i) a contribution deposited in an account:

728 (A) since the last campaign finance statement was filed; or

729 (B) that has not been reported under a statute or ordinance that governs the account; or

730 (ii) an expenditure made from an account:

731 (A) since the last campaign finance statement was filed; or

732 (B) that has not been reported under a statute or ordinance that governs the account.

733 Section 6. Section **20A-11-401** is amended to read:

734 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
735 **report -- Officeholder as a political action committee officer -- Anonymous public service**
736 **assistance.**

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

738 (b) An officeholder that is required to file a summary report both as an officeholder and

739 as a candidate for office under the requirements of this chapter may file a single summary
740 report as a candidate and an officeholder, provided that the combined report meets the
741 requirements of:

742 (i) this section; and

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

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

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

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

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

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

754 (v) for each nonmonetary contribution:

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

757 (B) a specific description of the contribution;

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

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

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

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

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

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

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

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

774 (4) An officeholder may:

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

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

779 (5) An officeholder who receives a cash contribution that exceeds \$50 from a donor
780 whose name is unknown shall:

781 (a) report the amount of the contribution and identify the donor as unknown; or

782 (b) within 30 days after the day on which the officeholder receives the cash
783 contribution, disburse the amount of the cash contribution to:

784 (i) the state treasurer for deposit into the General Fund;

785 (ii) the treasurer of a political subdivision of the state for deposit into the political
786 subdivision's general fund; or

787 (iii) an organization that is exempt from federal income taxation under Section
788 501(c)(3), Internal Revenue Code.

789 Section 7. Section **20A-11-505.7** is amended to read:

790 **20A-11-505.7. Separate account for contributions for registered political party --**
791 **-- Anonymous contributions to registered political party or county political party.**

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

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

796 (3) An registered political party that receives a cash contribution that exceeds \$50 from
797 a donor whose name is unknown shall:

798 (a) report the amount of the contribution and identify the donor as unknown; or

799 (b) within 30 days after the day on which the registered political party receives the cash
800 contribution, disburse the amount of the cash contribution to:

- 801 (i) the state treasurer for deposit into the General Fund;
802 (ii) the treasurer of a political subdivision of the state for deposit into the political
803 subdivision's general fund; or
804 (iii) an organization that is exempt from federal income taxation under Section
805 501(c)(3), Internal Revenue Code.

806 Section 8. Section **20A-11-506** is amended to read:

807 **20A-11-506. Political party financial reporting requirements -- Year-end**
808 **summary report.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

836 Section 9. Section **20A-11-507** is amended to read:

837 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

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

- 840 (a) seven days before the registered political party's political convention;
- 841 (b) seven days before the regular primary election date;
- 842 (c) August 31; and
- 843 (d) seven days before the general election date.

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

- 845 (a) the net balance of the last financial statement, if any;
- 846 (b) a single figure equal to the total amount of receipts reported on all prior interim
847 reports, if any, during the calendar year in which the interim report is due;
- 848 (c) a single figure equal to the total amount of expenditures reported on all prior
849 interim reports, if any, filed during the calendar year in which the interim report is due;
- 850 (d) a detailed listing of each contribution [~~and public service assistance~~] received since
851 the last summary report that has not been reported in detail on a prior interim report;
- 852 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 853 (f) a detailed listing of each expenditure made since the last summary report that has
854 not been reported in detail on a prior interim report;
- 855 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 856 (h) a net balance for the year consisting of the net balance from the last summary
857 report, if any, plus all receipts since the last summary report minus all expenditures since the
858 last summary report; and
- 859 (i) a summary page in the form required by the lieutenant governor that identifies:
 - 860 (i) beginning balance;
 - 861 (ii) total contributions during the period since the last statement;
 - 862 (iii) total contributions to date;

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

864 (v) total expenditures to date.

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

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

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

871 Section 10. Section **20A-11-510** is amended to read:

872 **20A-11-510. County political party financial reporting requirements -- Year-end**
873 **summary report.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

902 Section 11. Section **20A-11-511** is amended to read:

903 **20A-11-511. County political party financial reporting requirements -- Interim**
904 **reports.**

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

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

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

911 (iii) August 31; and

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

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

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

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

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

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

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

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

924 (f) a detailed listing of each expenditure made since the last summary report that has

925 not been reported in detail on a prior interim report;

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

927 (h) a net balance for the year consisting of the net balance from the last summary

928 report, if any, plus all receipts since the last summary report minus all expenditures since the

929 last summary report; and

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

931 (i) beginning balance;

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

933 (iii) total contributions to date;

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

935 (v) total expenditures to date.

936 (3) (a) For all individual contributions [~~or public service assistance~~] of \$50 or less, a

937 single aggregate figure may be reported without separate detailed listings.

938 (b) Two or more contributions from the same source that have an aggregate total of

939 more than \$50 may not be reported in the aggregate, but shall be reported separately.

940 (4) In preparing each interim report, all receipts and expenditures shall be reported as

941 of five days before the required filing date of the report.

942 Section 12. Section **20A-11-602** is amended to read:

943 **20A-11-602. Political action committees -- Financial reporting -- Anonymous**
 944 **contributions.**

945 (1) (a) Each registered political action committee that has received contributions

946 totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year

947 shall file a verified financial statement with the lieutenant governor's office:

948 (i) on January 10, reporting contributions and expenditures as of December 31 of the

949 previous year;

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

951 (iii) on August 31; and

952 (iv) seven days before:

953 (A) the municipal general election; and

954 (B) the regular general election date.

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

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

958 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
959 contributions and expenditures as of five days before the required filing date of the financial
960 statement.

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

963 (2) (a) The verified financial statement shall include:

964 (i) the name and address of any individual that makes a contribution to the reporting
965 political action committee, if known, and the amount of the contribution;

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

968 (iii) the name and address of any political action committee, group, or entity, if known,
969 that makes a contribution to the reporting political action committee, and the amount of the
970 contribution;

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

972 (v) the name and address of each reporting entity that received an expenditure from the
973 reporting political action committee, and the amount of each expenditure;

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

975 (vii) the total amount of contributions received and expenditures disbursed by the
976 reporting political action committee;

977 (viii) a statement by the political action committee's treasurer or chief financial officer
978 certifying that, to the best of the person's knowledge, the financial report is accurate; and

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

980 (A) beginning balance;

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

982 (C) total contributions to date;

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

984 (E) total expenditures to date.

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

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

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

992 (4) (a) As used in this Subsection (4), "received" means:

993 (i) for a cash contribution, that the cash is given to a political action committee;

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

996 (iii) for any other type of contribution, that any portion of the contribution's benefit
997 inures to the political action committee.

998 (b) A political action committee shall report each contribution to the lieutenant
999 governor within 30 days after the contribution is received.

1000 (5) A political action committee that receives a cash contribution that exceeds \$50
1001 from a donor whose name is unknown shall:

1002 (a) report the amount of the contribution and identify the donor as unknown; or

1003 (b) within 30 days after the day on which the political action committee receives the
1004 cash contribution, disburse the amount of the cash contribution to:

1005 (i) the state treasurer for deposit into the General Fund;

1006 (ii) the treasurer of a political subdivision of the state for deposit into the political
1007 subdivision's general fund; or

1008 (iii) an organization that is exempt from federal income taxation under Section
1009 501(c)(3), Internal Revenue Code.

1010 Section 13. Section **20A-11-802** is amended to read:

1011 **20A-11-802. Political issues committees -- Financial reporting -- Anonymous**
1012 **contributions.**

1013 (1) (a) Each registered political issues committee that has received political issues
1014 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
1015 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
1016 governor's office:

1017 (i) on January 10, reporting contributions and expenditures as of December 31 of the

- 1018 previous year;
- 1019 (ii) seven days before the date of an incorporation election, if the political issues
1020 committee has received donations or made disbursements to affect an incorporation;
- 1021 (iii) at least three days before the first public hearing held as required by Section
1022 20A-7-204.1;
- 1023 (iv) if the political issues committee has received or expended funds in relation to an
1024 initiative or referendum, at the time the initiative or referendum sponsors submit:
- 1025 (A) the verified and certified initiative packets as required by Section 20A-7-206; or
1026 (B) the signed and verified referendum packets as required by Section 20A-7-306;
- 1027 (v) on August 31; and
- 1028 (vi) seven days before:
- 1029 (A) the municipal general election; and
1030 (B) the regular general election.
- 1031 (b) The political issues committee shall report:
- 1032 (i) a detailed listing of all contributions received and expenditures made since the last
1033 statement; and
- 1034 (ii) all contributions and expenditures as of five days before the required filing date of
1035 the financial statement, except for a financial statement filed on January 10.
- 1036 (c) The political issues committee need not file a statement under this section if it
1037 received no contributions and made no expenditures during the reporting period.
- 1038 (2) (a) That statement shall include:
- 1039 (i) the name and address, if known, of any individual that makes a political issues
1040 contribution to the reporting political issues committee, and the amount of the political issues
1041 contribution;
- 1042 (ii) the identification of any publicly identified class of individuals that makes a
1043 political issues contribution to the reporting political issues committee, and the amount of the
1044 political issues contribution;
- 1045 (iii) the name and address, if known, of any political issues committee, group, or entity
1046 that makes a political issues contribution to the reporting political issues committee, and the
1047 amount of the political issues contribution;
- 1048 (iv) the name and address of each reporting entity that makes a political issues

1049 contribution to the reporting political issues committee, and the amount of the political issues
1050 contribution;

1051 (v) for each nonmonetary contribution, the fair market value of the contribution;

1052 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
1053 entity, or group of individuals or entities that received a political issues expenditure of more
1054 than \$50 from the reporting political issues committee, and the amount of each political issues
1055 expenditure;

1056 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1057 (viii) the total amount of political issues contributions received and political issues
1058 expenditures disbursed by the reporting political issues committee;

1059 (ix) a statement by the political issues committee's treasurer or chief financial officer
1060 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

1061 (x) a summary page in the form required by the lieutenant governor that identifies:

1062 (A) beginning balance;

1063 (B) total contributions during the period since the last statement;

1064 (C) total contributions to date;

1065 (D) total expenditures during the period since the last statement; and

1066 (E) total expenditures to date.

1067 (b) (i) Political issues contributions received by a political issues committee that have a
1068 value of \$50 or less need not be reported individually, but shall be listed on the report as an
1069 aggregate total.

1070 (ii) Two or more political issues contributions from the same source that have an
1071 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
1072 separately.

1073 (c) When reporting political issue expenditures made to circulators of initiative
1074 petitions, the political issues committee:

1075 (i) need only report the amount paid to each initiative petition circulator; and

1076 (ii) need not report the name or address of the circulator.

1077 (3) (a) As used in this Subsection (3), "received" means:

1078 (i) for a cash contribution, that the cash is given to a political issues committee;

1079 (ii) for a contribution that is a negotiable instrument or check, that the negotiable

1080 instrument or check is negotiated; and

1081 (iii) for any other type of contribution, that any portion of the contribution's benefit
1082 inures to the political issues committee.

1083 (b) A political issues committee shall report each contribution to the lieutenant
1084 governor within 30 days after the contribution is received.

1085 (4) A political issues committee that receives a cash contribution that exceeds \$50
1086 from a donor whose name is unknown shall:

1087 (a) report the amount of the contribution and identify the donor as unknown; or

1088 (b) within 30 days after the day on which the political issues committee receives the
1089 cash contribution, disburse the amount of the cash contribution to:

1090 (i) the state treasurer for deposit into the General Fund;

1091 (ii) the treasurer of a political subdivision of the state for deposit into the political
1092 subdivision's general fund; or

1093 (iii) an organization that is exempt from federal income taxation under Section
1094 501(c)(3), Internal Revenue Code.

1095 Section 14. Section **20A-11-1301** is amended to read:

1096 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
1097 **Candidate as a political action committee officer -- No personal use -- Report**
1098 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**

1099 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
1100 service assistance received in one or more separate accounts in a financial institution that are
1101 dedicated only to that purpose.

1102 (ii) A school board office candidate may:

1103 (A) receive a contribution or public service assistance from a political action
1104 committee registered under Section 20A-11-601; and

1105 (B) be designated by a political action committee as an officer who has primary
1106 decision-making authority as described in Section 20A-11-601.

1107 (b) A school board office candidate may not use money deposited in an account
1108 described in Subsection (1)(a)(i) for:

1109 (i) a personal use expenditure; or

1110 (ii) an expenditure prohibited by law.

1111 (2) A school board office candidate may not deposit or mingle any contributions or
1112 public service assistance received into a personal or business account.

1113 (3) A school board office candidate may not make any political expenditures prohibited
1114 by law.

1115 (4) If a person who is no longer a school board candidate chooses not to expend the
1116 money remaining in a campaign account, the person shall continue to file the year-end
1117 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1118 summary report required by Section 20A-11-1304 are filed with:

1119 (a) the lieutenant governor in the case of a state school board candidate; and

1120 (b) the county clerk, in the case of a local school board candidate.

1121 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1122 is no longer a school board candidate may not expend or transfer the money in a campaign
1123 account in a manner that would cause the former school board candidate to recognize the
1124 money as taxable income under federal tax law.

1125 (b) A person who is no longer a school board candidate may transfer the money in a
1126 campaign account in a manner that would cause the former school board candidate to recognize
1127 the money as taxable income under federal tax law if the transfer is made to a campaign
1128 account for federal office.

1129 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1130 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1131 member of the candidate's personal campaign committee;

1132 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1133 instrument or check is negotiated; and

1134 (iii) for any other type of contribution, that any portion of the contribution's benefit
1135 inures to the school board office candidate.

1136 (b) Each school board office candidate shall report to the chief election officer each
1137 contribution and public service assistance within 30 days after the contribution or public
1138 service assistance is received.

1139 (7) A school board office candidate who receives a cash contribution that exceeds \$50
1140 from a donor whose name is unknown shall:

1141 (a) report the amount of the contribution and identify the donor as unknown; or

1142 (b) within 30 days after the day on which the candidate receives the cash contribution,
1143 disburse the amount of the cash contribution to:

1144 (i) the state treasurer for deposit into the General Fund;

1145 (ii) the treasurer of a political subdivision of the state for deposit into the political
1146 subdivision's general fund; or

1147 (iii) an organization that is exempt from federal income taxation under Section
1148 501(c)(3), Internal Revenue Code.

1149 [(7)] (8) (a) As used in this Subsection [(7)] (8), "account" means an account in a
1150 financial institution:

1151 (i) that is not described in Subsection (1)(a)(i); and

1152 (ii) into which or from which a person who, as a candidate for an office, other than a
1153 school board office for which the person files a declaration of candidacy or federal office, or as
1154 a holder of an office, other than a school board office for which the person files a declaration of
1155 candidacy or federal office, deposits a contribution or makes an expenditure.

1156 (b) A school board office candidate shall include on any financial statement filed in
1157 accordance with this part:

1158 (i) a contribution deposited in an account:

1159 (A) since the last campaign finance statement was filed; or

1160 (B) that has not been reported under a statute or ordinance that governs the account; or

1161 (ii) an expenditure made from an account:

1162 (A) since the last campaign finance statement was filed; or

1163 (B) that has not been reported under a statute or ordinance that governs the account.

1164 Section 15. Section **20A-12-301** is amended to read:

1165 **20A-12-301. Definitions.**

1166 As used in this part:

1167 (1) (a) "Contribution" means any of the following when done for political purposes:

1168 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1169 value given to the judge or the judge's personal campaign committee;

1170 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1171 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1172 anything of value to the judge or the judge's personal campaign committee;

1173 (iii) any transfer of funds from another reporting entity or a corporation to the judge or
1174 the judge's personal campaign committee;

1175 (iv) compensation paid by any person or reporting entity other than the judge or the
1176 judge's personal campaign committee for personal services provided without charge to the
1177 judge or the judge's personal campaign committee; and

1178 (v) goods or services provided to or for the benefit of the judge or the judge's personal
1179 campaign committee at less than fair market value.

1180 (b) "Contribution" does not include:

1181 (i) services provided without compensation by individuals volunteering a portion or all
1182 of their time on behalf of the judge or the judge's personal campaign committee; or

1183 (ii) money lent to the judge or the judge's personal campaign committee by a financial
1184 institution in the ordinary course of business.

1185 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1186 organization that is registered as a corporation or is authorized to do business in a state and
1187 makes any expenditure from corporate funds for political purposes.

1188 (b) "Corporation" does not mean:

1189 (i) a business organization's political action committee as defined in Section
1190 20A-11-101 or political issues committee as defined in Section 20A-11-101; or

1191 (ii) a business entity organized as a partnership or a sole proprietorship.

1192 (3) "Detailed listing" means:

1193 (a) for each contribution:

1194 (i) the name and address of the individual or source making the contribution, if known;

1195 (ii) the amount or value of the contribution; and

1196 (iii) the date the contribution was made; and

1197 (b) for each expenditure:

1198 (i) the amount of the expenditure;

1199 (ii) the person or entity to whom it was disbursed;

1200 (iii) the specific purpose, item, or service acquired by the expenditure; and

1201 (iv) the date the expenditure was made.

1202 (4) (a) "Expenditure" means:

1203 (i) any disbursement from contributions or from the separate bank account required by

1204 this chapter;

1205 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1206 or anything of value made for political purposes;

1207 (iii) an express, legally enforceable contract, promise, or agreement to make any
1208 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1209 value for political purposes;

1210 (iv) compensation paid by a corporation or reporting entity for personal services
1211 rendered by a person without charge to the judge or the judge's personal campaign committee;

1212 (v) a transfer of funds between the judge's personal campaign committee and another
1213 judge's personal campaign committee; or

1214 (vi) goods or services provided by the judge's personal campaign committee to or for
1215 the benefit of another judge for political purposes at less than fair market value.

1216 (b) "Expenditure" does not include:

1217 (i) services provided without compensation by individuals volunteering a portion or all
1218 of their time on behalf of the judge or judge's personal campaign committee; or

1219 (ii) money lent to a judge's personal campaign committee by a financial institution in
1220 the ordinary course of business.

1221 (5) "Individual" means a natural person.

1222 (6) "Interim report" means a report identifying the contributions received and
1223 expenditures made since the last report.

1224 (7) "Personal campaign committee" means the committee appointed by a judge to act
1225 for the judge as provided in this chapter.

1226 (8) "Political purposes" means an act done with the intent or in a way to influence or
1227 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1228 against any judge standing for retention at any election.

1229 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,
1230 a candidate's personal campaign committee, an officeholder, and a party committee, a political
1231 action committee, and a political issues committee.

1232 (10) "Summary report" means the year-end report containing the summary of a
1233 reporting entity's contributions and expenditures.

1234 Section 16. Section **20A-12-303** is amended to read:

1235 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1236 (1) The judge or the judge's personal campaign committee shall deposit each
1237 contribution in one or more separate personal campaign accounts in a financial institution.

1238 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1239 any contributions received into a personal or business account.

1240 (3) (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

1241 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1242 campaign committee;

1243 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1244 instrument or check is negotiated; and

1245 (iii) for any other type of contribution, that any portion of the contribution's benefit
1246 inures to the judge.

1247 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1248 governor each contribution within 30 days after the contribution is received.

1249 (4) A judge or a judge's personal campaign committee that receives a cash contribution
1250 that exceeds \$50 from a donor whose name is unknown shall:

1251 (a) report the amount of the contribution and identify the donor as unknown; or

1252 (b) within 30 days after the day on which the judge or the judge's personal campaign
1253 committee receives the cash contribution, disburse the amount of the cash contribution to:

1254 (i) the state treasurer for deposit into the General Fund;

1255 (ii) the treasurer of a political subdivision of the state for deposit into the political
1256 subdivision's general fund; or

1257 (iii) an organization that is exempt from federal income taxation under Section
1258 501(c)(3), Internal Revenue Code.