

**Representative Mike K. McKell** proposes the following substitute bill:

**ELECTION CODE - FINANCIAL REPORTING**

**REQUIREMENT AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John L. Valentine**

House Sponsor: Mike K. McKell

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code relating to financial reporting.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires a state office holder, a legislative office holder, and a state school board office holder to each file an interim financial report;
- ▶ requires a political action committee and a political issues committee to each file an interim financial report seven days before the state political convention of each major political party;
- ▶ increases reporting times for a corporation;
- ▶ provides for a fine and criminal action against a person who violates certain provisions of this bill;
- ▶ decreases, from 14 days to seven days after receiving notice from the lieutenant governor, the time within which reporting individuals or entities are required to file or amend a summary report before penalties are imposed;
- ▶ requires the lieutenant governor to impose a fine on an individual or entity that fails



26 to file or amend a summary report within seven days after the day on which the individual or  
27 entity receives notice from the lieutenant governor; and

28       ▶ makes clarifying and technical changes.

29 **Money Appropriated in this Bill:**

30       None

31 **Other Special Clauses:**

32       None

33 **Utah Code Sections Affected:**

34 **AMENDS:**

- 35       **20A-11-101**, as last amended by Laws of Utah 2012, Chapter 230
- 36       **20A-11-204**, as last amended by Laws of Utah 2011, Chapter 347
- 37       **20A-11-206**, as last amended by Laws of Utah 2011, Chapter 396
- 38       **20A-11-303**, as last amended by Laws of Utah 2011, Chapter 347
- 39       **20A-11-305**, as last amended by Laws of Utah 2011, Chapter 396
- 40       **20A-11-403**, as last amended by Laws of Utah 2010, Chapter 389
- 41       **20A-11-508**, as last amended by Laws of Utah 2010, Chapter 389
- 42       **20A-11-512**, as enacted by Laws of Utah 2011, Chapter 396
- 43       **20A-11-602**, as last amended by Laws of Utah 2012, Chapters 69 and 230
- 44       **20A-11-603**, as last amended by Laws of Utah 2012, Chapter 69
- 45       **20A-11-701 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347
- 46       **20A-11-702**, as last amended by Laws of Utah 2010, Chapter 389
- 47       **20A-11-703**, as last amended by Laws of Utah 2010, Chapter 389
- 48       **20A-11-802**, as last amended by Laws of Utah 2012, Chapters 69 and 230
- 49       **20A-11-803**, as last amended by Laws of Utah 2012, Chapter 69
- 50       **20A-11-1303**, as last amended by Laws of Utah 2011, Chapter 347
- 51       **20A-11-1305**, as last amended by Laws of Utah 2011, Chapter 396
- 52       **20A-11-1503**, as last amended by Laws of Utah 2011, Chapter 396



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

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

56       **20A-11-101. Definitions.**

57 As used in this chapter:

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

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

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

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

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

68 (4) "Chief election officer" means:

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

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

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

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

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

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

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

83 (v) remuneration from:

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

85 or

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

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

88 market value.

89 (b) "Contribution" does not include:

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

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

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

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

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

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

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

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

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

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

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

111 (b) "Corporation" does not mean:

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

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

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

117 (9) "County political party officer" means a person whose name is required to be  
118 submitted by a county political party to the lieutenant governor in accordance with Section

119 20A-8-402.

120 (10) "Detailed listing" means:

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

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

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

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

126 (b) for each expenditure:

127 (i) the amount of the expenditure;

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

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

130 (iv) the date the expenditure was made.

131 (11) "Election" means each:

132 (a) regular general election;

133 (b) regular primary election; and

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

135 (12) "Electioneering communication" means a communication that:

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

137 (b) clearly identifies a candidate or judge; and

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

141 (13) (a) "Expenditure" means:

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

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

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

149 (iv) compensation paid by a filing entity for personal services rendered by a person

150 without charge to a reporting entity;

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

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

155 (b) "Expenditure" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

180 (23) "Legislative office" means the office of state senator, state representative, speaker

181 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
182 whip of any party caucus in either house of the Legislature.

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

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

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

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

191 (25) "Major political party" means either of the two registered political parties that  
192 have the greatest number of members elected to the two houses of the Legislature.

193 [~~25~~] (26) "Officeholder" means a person who holds a public office.

194 [~~26~~] (27) "Party committee" means any committee organized by or authorized by the  
195 governing board of a registered political party.

196 [~~27~~] (28) "Person" means both natural and legal persons, including individuals,  
197 business organizations, personal campaign committees, party committees, political action  
198 committees, political issues committees, and labor organizations, as defined in Section  
199 20A-11-1501.

200 [~~28~~] (29) "Personal campaign committee" means the committee appointed by a  
201 candidate to act for the candidate as provided in this chapter.

202 [~~29~~] (30) "Personal use expenditure" has the same meaning as provided under Section  
203 20A-11-104.

204 [~~30~~] (31) (a) "Political action committee" means an entity, or any group of  
205 individuals or entities within or outside this state, a major purpose of which is to:

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

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

210 (b) "Political action committee" includes groups affiliated with a registered political  
211 party but not authorized or organized by the governing board of the registered political party

212 that receive contributions or makes expenditures for political purposes.

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

214 (i) a party committee;

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

217 (iii) an individual;

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

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

222 (vi) a personal campaign committee.

223 [~~(31)~~] (32) "Political convention" means a county or state political convention held by  
224 a registered political party to select candidates.

225 [~~(32)~~] (33) (a) "Political issues committee" means an entity, or any group of individuals  
226 or entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

239 (iii) an individual;

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

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



243 issues committee.

244 [~~(33)~~] (34) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

260 [~~(34)~~] (35) (a) "Political issues expenditure" means any of the following:

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

263 (A) a ballot proposition; or

264 (B) an incorporation petition or incorporation election;

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

267 (A) a ballot proposition; or

268 (B) an incorporation petition or incorporation election;

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

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

273 (v) goods or services provided to or for the benefit of another reporting entity at less

274 than fair market value.

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

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

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

280 [~~(35)~~] (36) "Political purposes" means an act done with the intent or in a way to  
281 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote  
282 for or against any candidate or a person seeking a municipal or county office at any caucus,  
283 political convention, or election.

284 [~~(36)~~] (37) "Primary election" means any regular primary election held under the  
285 election laws.

286 [~~(37)~~] (38) "Public office" means the office of governor, lieutenant governor, state  
287 auditor, state treasurer, attorney general, state or local school board member, state senator, state  
288 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
289 whip, and assistant whip of any party caucus in either house of the Legislature.

290 [~~(38)~~] (39) (a) "Public service assistance" means the following when given or provided  
291 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
292 communicate with the officeholder's constituents:

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

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

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

298 (i) anything provided by the state;

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

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

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

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

305 organization unless substantially all the publication is devoted to information about the  
306 officeholder.

307 ~~[(39)]~~ (40) "Publicly identified class of individuals" means a group of 50 or more  
308 individuals sharing a common occupation, interest, or association that contribute to a political  
309 action committee or political issues committee and whose names can be obtained by contacting  
310 the political action committee or political issues committee upon whose financial statement the  
311 individuals are listed.

312 ~~[(40)]~~ (41) "Receipts" means contributions and public service assistance.

313 ~~[(41)]~~ (42) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
314 Lobbyist Disclosure and Regulation Act.

315 ~~[(42)]~~ (43) "Registered political action committee" means any political action  
316 committee that is required by this chapter to file a statement of organization with the lieutenant  
317 governor's office.

318 ~~[(43)]~~ (44) "Registered political issues committee" means any political issues  
319 committee that is required by this chapter to file a statement of organization with the lieutenant  
320 governor's office.

321 ~~[(44)]~~ (45) "Registered political party" means an organization of voters that:

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

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

327 ~~[(45)]~~ (46) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

336           ~~[(46)]~~ (47) "Reporting entity" means a candidate, a candidate's personal campaign  
337 committee, a judge, a judge's personal campaign committee, an officeholder, a party  
338 committee, a political action committee, a political issues committee, a corporation, or a labor  
339 organization, as defined in Section 20A-11-1501.

340           ~~[(47)]~~ (48) "School board office" means the office of state school board or local school  
341 board.

342           ~~[(48)]~~ (49) (a) "Source" means the person or entity that is the legal owner of the  
343 tangible or intangible asset that comprises the contribution.

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

347           ~~[(49)]~~ (50) "State office" means the offices of governor, lieutenant governor, attorney  
348 general, state auditor, and state treasurer.

349           ~~[(50)]~~ (51) "State office candidate" means a person who:

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

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

354           ~~[(51)]~~ (52) "Summary report" means the year end report containing the summary of a  
355 reporting entity's contributions and expenditures.

356           ~~[(52)]~~ (53) "Supervisory board" means the individual or group of individuals that  
357 allocate expenditures from a political issues committee.

358           Section 2. Section **20A-11-204** is amended to read:

359           **20A-11-204. State office candidate and state office holder -- Financial reporting**  
360 **requirements -- Interim reports.**

361           (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign  
362 account required under Subsection 20A-11-201(1)(a).

363           ~~[(1)]~~ (b) Each state office candidate shall file an interim report at the following times in  
364 any year in which the candidate has filed a declaration of candidacy for a public office:

365           ~~[(a)]~~ (i) seven days before the candidate's political convention;

366           ~~[(b)]~~ (ii) seven days before the regular primary election date;

- 367           ~~(c)~~ (iii) August 31; and  
368           ~~(d)~~ (iv) seven days before the regular general election date.
- 369           (c) Each state office holder who has a campaign account that has not been dissolved  
370 under Section 20A-11-205 shall, in an even year, file an interim report at the following times,  
371 regardless of whether an election for the state office holder's office is held that year:
- 372           (i) seven days before the political convention for the political party of the state office  
373 holder;
- 374           (ii) seven days before the regular primary election date;  
375           (iii) August 31; and  
376           (iv) seven days before the regular general election date.
- 377           (2) Each interim report shall include the following information:
- 378           (a) the net balance of the last summary report, if any;
- 379           (b) a single figure equal to the total amount of receipts reported on all prior interim  
380 reports, if any, during the calendar year in which the interim report is due;
- 381           (c) a single figure equal to the total amount of expenditures reported on all prior  
382 interim reports, if any, filed during the calendar year in which the interim report is due;
- 383           (d) a detailed listing of each contribution and public service assistance received since  
384 the last summary report that has not been reported in detail on a prior interim report;
- 385           (e) for each nonmonetary contribution:
- 386           (i) the fair market value of the contribution with that information provided by the  
387 contributor; and
- 388           (ii) a specific description of the contribution;
- 389           (f) a detailed listing of each expenditure made since the last summary report that has  
390 not been reported in detail on a prior interim report;
- 391           (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 392           (h) a net balance for the year consisting of the net balance from the last summary  
393 report, if any, plus all receipts since the last summary report minus all expenditures since the  
394 last summary report;
- 395           (i) a summary page in the form required by the lieutenant governor that identifies:
- 396           (i) beginning balance;
- 397           (ii) total contributions during the period since the last statement;

- 398 (iii) total contributions to date;
- 399 (iv) total expenditures during the period since the last statement; and
- 400 (v) total expenditures to date; and
- 401 (j) the name of a political action committee for which the state office candidate or state
- 402 office holder is designated as an officer who has primary decision-making authority under
- 403 Section 20A-11-601.

404 (3) (a) For all individual contributions or public service assistance of \$50 or less, a

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

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

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

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

409 as of five days before the required filing date of the report.

410 (b) Any negotiable instrument or check received by a state office candidate or state

411 office holder more than five days before the required filing date of a report required by this

412 section shall be included in the interim report.

413 Section 3. Section **20A-11-206** is amended to read:

414 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

415 (1) (a) If a state office candidate fails to file an interim report due before the regular

416 primary election, on August 31, or before the regular general election, the lieutenant governor

417 shall, after making a reasonable attempt to discover if the report was timely filed:

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

419 (A) (I) shall, if practicable, remove the name of the candidate from the ballots before

420 the ballots are delivered to voters; or

421 (II) shall, if removing the candidate's name from the ballot is not practicable, inform

422 the voters by any practicable method that the candidate has been disqualified and that votes

423 cast for the candidate will not be counted; and

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

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

426 (b) Any state office candidate who fails to file timely a financial statement required by

427 Subsection 20A-11-204(1)(b)[, (c), or (d)](ii), (iii), or (iv) is disqualified and the vacancy on

428 the ballot may be filled as provided in Section 20A-1-501.

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

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

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

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

438 (A) an amended report; or

439 (B) the next scheduled report.

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

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

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

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

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

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

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

459 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant

460 governor shall impose a civil fine of \$100 against a state office candidate who violates  
461 Subsection (2)(c)(i).

462 Section 4. Section **20A-11-303** is amended to read:

463 **20A-11-303. Legislative office candidate and legislative office holder -- Financial**  
464 **reporting requirements -- Interim reports.**

465 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign  
466 account required under Subsection 20A-11-301(1)(a)(i).

467 [~~(a)~~] (b) Each legislative office candidate shall file an interim report at the following  
468 times in any year in which the candidate has filed a declaration of candidacy for a public office:

469 [~~(a)~~] (i) seven days before the candidate's political convention;

470 [~~(b)~~] (ii) seven days before the regular primary election date;

471 [~~(c)~~] (iii) August 31; and

472 [~~(d)~~] (iv) seven days before the regular general election date.

473 (c) Each legislative office holder who has a campaign account that has not been  
474 dissolved under Section 20A-11-304 shall, in an even year, file an interim report at the  
475 following times, regardless of whether an election for the legislative office holder's office is  
476 held that year:

477 (i) seven days before the political convention for the political party of the legislative  
478 office holder;

479 (ii) seven days before the regular primary election date for that year;

480 (iii) August 31; and

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

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

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

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

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

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

490 (e) for each nonmonetary contribution:



- 491 (i) the fair market value of the contribution with that information provided by the  
492 contributor; and
- 493 (ii) a specific description of the contribution;
- 494 (f) a detailed listing of each expenditure made since the last summary report that has  
495 not been reported in detail on a prior interim report;
- 496 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 497 (h) a net balance for the year consisting of the net balance from the last summary  
498 report, if any, plus all receipts since the last summary report minus all expenditures since the  
499 last summary report;
- 500 (i) a summary page in the form required by the lieutenant governor that identifies:
- 501 (i) beginning balance;
- 502 (ii) total contributions during the period since the last statement;
- 503 (iii) total contributions to date;
- 504 (iv) total expenditures during the period since the last statement; and
- 505 (v) total expenditures to date; and
- 506 (j) the name of a political action committee for which the legislative office candidate or  
507 legislative office holder is designated as an officer who has primary decision-making authority  
508 under Section 20A-11-601.
- 509 (3) (a) For all individual contributions or public service assistance of \$50 or less, a  
510 single aggregate figure may be reported without separate detailed listings.
- 511 (b) Two or more contributions from the same source that have an aggregate total of  
512 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 513 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported  
514 as of five days before the required filing date of the report.
- 515 (b) Any negotiable instrument or check received by a legislative office candidate or  
516 legislative office holder more than five days before the required filing date of a report required  
517 by this section shall be included in the interim report.
- 518 Section 5. Section **20A-11-305** is amended to read:
- 519 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**
- 520 (1) (a) If a legislative office candidate fails to file an interim report due before the  
521 regular primary election, on August 31, or before the regular general election, the lieutenant

522 governor shall, after making a reasonable attempt to discover if the report was timely filed:

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

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

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

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

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

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

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

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

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

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

543 (A) an amended report; or

544 (B) the next scheduled report.

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

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

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

550 (b) If it appears that any legislative office candidate has failed to file the summary  
551 report required by law, if it appears that a filed summary report does not conform to the law, or  
552 if the lieutenant governor has received a written complaint alleging a violation of the law or the

553 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
554 violation or receipt of a written complaint, notify the legislative office candidate of the  
555 violation or written complaint and direct the legislative office candidate to file a summary  
556 report correcting the problem.

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

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

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

564 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant  
565 governor shall impose a civil fine of \$100 against a legislative office candidate who violates  
566 Subsection (2)(c)(i).

567 Section 6. Section **20A-11-403** is amended to read:

568 **20A-11-403. Failure to file -- Penalties.**

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

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

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

573 (2) If it appears that any officeholder has failed to file the summary report required by  
574 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant  
575 governor has received a written complaint alleging a violation of the law or the falsity of any  
576 summary report, the lieutenant governor shall, if the lieutenant governor determines that a  
577 violation has occurred:

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

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

582 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report  
583 within [~~14~~] seven days after receiving notice from the lieutenant governor under this section.

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

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

588 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant  
589 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection  
590 (3)(a).

591 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder  
592 under Subsection 20A-11-204(1)(c), 20A-11-303(1)(c), or 20A-11-1303(1)(c), the lieutenant  
593 governor shall review each filed interim report to ensure that each interim report contains the  
594 information required for the report.

595 (5) If it appears that any officeholder has failed to file an interim report required by  
596 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant  
597 governor has received a written complaint alleging a violation of the law or the falsity of any  
598 interim report, the lieutenant governor shall, if the lieutenant governor determines that a  
599 violation has occurred:

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

601 (b) within five days after the day on which the violation is discovered or a written  
602 complaint is received, notify the officeholder of the violation or written complaint and direct  
603 the officeholder to file an interim report correcting the problem.

604 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report  
605 within seven days after the day on which the officeholder receives notice from the lieutenant  
606 governor under this section.

607 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B  
608 misdemeanor.

609 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the  
610 attorney general.

611 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant  
612 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection  
613 (6)(a).

614 Section 7. Section **20A-11-508** is amended to read:

615           **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

616           (1) (a) Each registered political party that fails to file the interim reports due before the  
617 regular primary election, on August 31, or before the regular general election is:

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

619           (ii) guilty of a class B misdemeanor.

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

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

624           (a) each political party that is required to file a report has filed one; and

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

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

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

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

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

638           (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant  
639 governor shall impose a civil fine of \$1000 against a political party that violates Subsection  
640 (4)(a).

641           Section 8. Section **20A-11-512** is amended to read:

642           **20A-11-512. County political party -- Criminal penalties -- Fines.**

643           (1) A county political party that fails to file the interim report due before the regular  
644 primary election, on August 31, or before the regular general election is subject to a fine of  
645 \$1,000, which the chief election officer shall deposit in the General Fund.

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

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

650 (b) each statement contains the information required by Section 20A-11-510.

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

658 (4) A county political party that fails to file or amend a financial statement within [~~14~~  
659 seven] days after receiving notice from the lieutenant governor under this section is subject to a  
660 fine of \$1,000, which the chief election officer shall deposit in the General Fund.

661 Section 9. Section **20A-11-602** is amended to read:

662 **20A-11-602. Political action committees -- Financial reporting.**

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

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

668 (ii) seven days before the state political convention of each major political party;

669 [~~(ii)~~] (iii) seven days before the regular primary election date;

670 [~~(iii)~~] (iv) on August 31; and

671 [~~(iv)~~] (v) seven days before:

672 (A) the municipal general election; and

673 (B) the regular general election date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

698 (A) beginning balance;

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

700 (C) total contributions to date;

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

702 (E) total expenditures to date.

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

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

707 (3) A group or entity may not divide or separate into units, sections, or smaller groups

708 for the purpose of avoiding the financial reporting requirements of this chapter, and substance  
709 shall prevail over form in determining the scope or size of a political action committee.

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

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

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

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

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

718 Section 10. Section **20A-11-603** is amended to read:

719 **20A-11-603. Criminal penalties -- Fines.**

720 (1) (a) Each political action committee that fails to file the financial statement due  
721 before the regular primary election, on August 31, before the municipal general election, or  
722 before the regular general election is:

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

724 (ii) guilty of a class B misdemeanor.

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

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

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

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

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

737 (4) (a) It is unlawful for any political action committee to fail to file or amend a  
738 statement within [~~14~~] seven days after receiving notice from the lieutenant governor under this



739 section.

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

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

744 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant  
745 governor shall impose a civil fine of \$1000 against a political action committee that violates  
746 Subsection (4)(a).

747 Section 11. Section **20A-11-701 (Effective 05/01/13)** is amended to read:

748 **20A-11-701 (Effective 05/01/13). Campaign financial reporting by corporations --**  
749 **Filing requirements -- Statement contents.**

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

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

754 (ii) seven days before the state political convention for each major political party;

755 [~~(ii)~~] (iii) seven days before the regular primary election date;

756 [~~(iii)~~] (iv) on August 31; and

757 [~~(iv)~~] (v) seven days before the regular general election date.

758 (b) The corporation shall report:

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

760 (ii) for financial statements filed under Subsections (1)(a)(ii) through [~~(iv)~~] (v), all  
761 expenditures as of five days before the required filing date of the financial statement; and

762 (iii) whether the corporation, including an officer of the corporation, director of the  
763 corporation, or person with at least 10% ownership in the corporation:

764 (A) has bid since the last financial statement on a contract, as defined in Section  
765 63G-6a-103, in excess of \$100,000;

766 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of  
767 \$100,000; or

768 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.

769 (c) The corporation need not file a financial statement under this section if the

770 corporation made no expenditures during the reporting period.

771 (2) The financial statement shall include:

772 (a) the name and address of each reporting entity that received an expenditure from the  
773 corporation, and the amount of each expenditure;

774 (b) the total amount of expenditures disbursed by the corporation; and

775 (c) a statement by the corporation's treasurer or chief financial officer certifying the  
776 accuracy of the financial statement.

777 Section 12. Section **20A-11-702** is amended to read:

778 **20A-11-702. Campaign financial reporting of political issues expenditures by**  
779 **corporations -- Financial reporting.**

780 (1) (a) Each corporation that has made political issues expenditures on current or  
781 proposed ballot issues that total at least \$750 during a calendar year shall file a verified  
782 financial statement with the lieutenant governor's office:

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

784 (ii) seven days before the state political convention of each major political party;

785 [~~(ii)~~] (iii) seven days before the regular primary election date;

786 [~~(iii)~~] (iv) on August 31; and

787 [~~(iv)~~] (v) seven days before the regular general election date.

788 (b) The corporation shall report:

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

790 (ii) for financial statements under Subsections (1)(a)(ii) through [~~(iv)~~] (v), expenditures  
791 as of five days before the required filing date of the financial statement.

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

794 (2) That statement shall include:

795 (a) the name and address of each individual, entity, or group of individuals or entities  
796 that received a political issues expenditure of more than \$50 from the corporation, and the  
797 amount of each political issues expenditure;

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

799 (c) a statement by the corporation's treasurer or chief financial officer certifying the  
800 accuracy of the verified financial statement.

801 Section 13. Section **20A-11-703** is amended to read:

802 **20A-11-703. Criminal penalties -- Fines.**

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

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

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

807 (2) If it appears that any corporation has failed to file any statement, if it appears that a  
808 filed statement does not conform to the law, or if the lieutenant governor has received a written  
809 complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor  
810 shall:

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

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

815 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within [~~14~~  
816 seven] days after receiving notice from the lieutenant governor under this section.

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

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

820 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant  
821 governor shall impose a civil fine of \$1,000 against a corporation that violates Subsection  
822 (3)(a).

823 Section 14. Section **20A-11-802** is amended to read:

824 **20A-11-802. Political issues committees -- Financial reporting.**

825 (1) (a) Each registered political issues committee that has received political issues  
826 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least  
827 \$50, during a calendar year, shall file a verified financial statement with the lieutenant  
828 governor's office:

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

831 (ii) seven days before the state political convention of each major political party;

832 (iii) seven days before the regular primary election date;  
833 [~~(ii)~~] (iv) seven days before the date of an incorporation election, if the political issues  
834 committee has received donations or made disbursements to affect an incorporation;  
835 [~~(iii)~~] (v) at least three days before the first public hearing held as required by Section  
836 20A-7-204.1;  
837 [~~(iv)~~] (vi) if the political issues committee has received or expended funds in relation to  
838 an initiative or referendum, at the time the initiative or referendum sponsors submit:  
839 (A) the verified and certified initiative packets as required by Section 20A-7-206; or  
840 (B) the signed and verified referendum packets as required by Section 20A-7-306;  
841 [~~(v)~~] (vii) on August 31; and  
842 [~~(vi)~~] (viii) seven days before:  
843 (A) the municipal general election; and  
844 (B) the regular general election.  
845 (b) The political issues committee shall report:  
846 (i) a detailed listing of all contributions received and expenditures made since the last  
847 statement; and  
848 (ii) all contributions and expenditures as of five days before the required filing date of  
849 the financial statement, except for a financial statement filed on January 10.  
850 (c) The political issues committee need not file a statement under this section if it  
851 received no contributions and made no expenditures during the reporting period.  
852 (2) (a) That statement shall include:  
853 (i) the name and address of any individual that makes a political issues contribution to  
854 the reporting political issues committee, and the amount of the political issues contribution;  
855 (ii) the identification of any publicly identified class of individuals that makes a  
856 political issues contribution to the reporting political issues committee, and the amount of the  
857 political issues contribution;  
858 (iii) the name and address of any political issues committee, group, or entity that makes  
859 a political issues contribution to the reporting political issues committee, and the amount of the  
860 political issues contribution;  
861 (iv) the name and address of each reporting entity that makes a political issues  
862 contribution to the reporting political issues committee, and the amount of the political issues

863 contribution;

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

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

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

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

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

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

875 (A) beginning balance;

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

877 (C) total contributions to date;

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

879 (E) total expenditures to date.

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

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

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

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

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

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

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

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

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

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

898 Section 15. Section **20A-11-803** is amended to read:

899 **20A-11-803. Criminal penalties.**

900 (1) (a) Each political issues committee that fails to file financial the statement due  
901 August 31, before the municipal general election, or before the regular general election is guilty  
902 of a class B misdemeanor.

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

905 (2) Within 30 days after a deadline for the filing of the January 10 statement, the  
906 lieutenant governor shall review each filed statement to ensure that:

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

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

909 (3) If it appears that any political issues committee has failed to file the January 10  
910 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant  
911 governor has received a written complaint alleging a violation of the law or the falsity of any  
912 statement, the lieutenant governor shall, within five days of discovery of a violation or receipt  
913 of a written complaint, notify the political issues committee of the violation or written  
914 complaint and direct the political issues committee to file a statement correcting the problem.

915 (4) (a) It is unlawful for any political issues committee to fail to file or amend a  
916 statement within [~~14~~] seven days after receiving notice from the lieutenant governor under this  
917 section.

918 (b) Each political issues committee who violates Subsection (4)(a) is guilty of a class B  
919 misdemeanor.

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

922 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant  
923 governor shall impose a civil fine of \$1000 against a political issues committee that violates  
924 Subsection (4)(a).

925 Section 16. Section **20A-11-1303** is amended to read:

926 **20A-11-1303. School board office candidate and school board office holder --**  
927 **Financial reporting requirements -- Interim reports.**

928 (1) (a) As used in this Subsection (1), "campaign account" means a separate campaign  
929 account required under Subsection 20A-11-1301(1)(a)(i).

930 ~~[(+)]~~ (b) Each school board office candidate shall file an interim report at the following  
931 times in any year in which the candidate has filed a declaration of candidacy for a public office:

932 ~~[(a)]~~ (i) May 15, for a state school board office ~~[candidates]~~ candidate;

933 ~~[(b)]~~ (ii) seven days before the regular primary election date;

934 ~~[(c)]~~ (iii) August 31; and

935 ~~[(d)]~~ (iv) seven days before the regular general election date.

936 (c) Each state school board office holder who has a campaign account that has not been  
937 dissolved under Section 20A-11-1304 shall, in an even year, file an interim report at the  
938 following times, regardless of whether an election for the state school board office holder's  
939 office is held that year:

940 (i) May 15;

941 (ii) seven days before the regular primary election date for that year;

942 (iii) August 31; and

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

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

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

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

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

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

952 (e) for each nonmonetary contribution:

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

955 (ii) a specific description of the contribution;

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

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

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

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

963 (i) beginning balance;

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

965 (iii) total contributions to date;

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

967 (v) total expenditures to date; and

968 (j) the name of a political action committee for which the school board office candidate  
969 or school board office holder is designated as an officer who has primary decision-making  
970 authority under Section 20A-11-601.

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

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

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

977 (b) Any negotiable instrument or check received by a school board office candidate or  
978 school board office holder more than five days before the required filing date of a report  
979 required by this section shall be included in the interim report.

980 Section 17. Section **20A-11-1305** is amended to read:

981 **20A-11-1305. School board office candidate -- Failure to file statement --**

982 **Penalties.**

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

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



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

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

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

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

994 (b) Any school board office candidate who fails to file timely a financial statement  
995 required by Subsection 20A-11-1303(1)(b)[~~-(c), or (d)~~](ii), (iii), or (iv) is disqualified and the  
996 vacancy on the ballot may be filled as provided in Section 20A-1-501.

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

999 (i) the candidate timely files the reports required by this section in accordance with  
1000 Section 20A-11-103;

1001 (ii) those reports are completed, detailing accurately and completely the information  
1002 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
1003 and

1004 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are  
1005 corrected in:

1006 (A) an amended report; or

1007 (B) the next scheduled report.

1008 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate  
1009 for state school board, the lieutenant governor shall review each filed summary report to ensure  
1010 that:

1011 (i) each state school board candidate that is required to file a summary report has filed  
1012 one; and

1013 (ii) each summary report contains the information required by this part.

1014 (b) If it appears that any state school board candidate has failed to file the summary  
1015 report required by law, if it appears that a filed summary report does not conform to the law, or  
1016 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
1017 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a

1018 violation or receipt of a written complaint, notify the state school board candidate of the  
1019 violation or written complaint and direct the state school board candidate to file a summary  
1020 report correcting the problem.

1021 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a  
1022 summary report within [~~14~~] seven days after receiving notice from the lieutenant governor  
1023 under this section.

1024 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a  
1025 class B misdemeanor.

1026 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the  
1027 attorney general.

1028 (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant  
1029 governor shall impose a civil fine of \$100 against a state school board candidate who violates  
1030 Subsection (2)(c)(i).

1031 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county  
1032 clerk shall review each filed summary report to ensure that:

1033 (i) each local school board candidate that is required to file a summary report has filed  
1034 one; and

1035 (ii) each summary report contains the information required by this part.

1036 (b) If it appears that any local school board candidate has failed to file the summary  
1037 report required by law, if it appears that a filed summary report does not conform to the law, or  
1038 if the county clerk has received a written complaint alleging a violation of the law or the falsity  
1039 of any summary report, the county clerk shall, within five days of discovery of a violation or  
1040 receipt of a written complaint, notify the local school board candidate of the violation or  
1041 written complaint and direct the local school board candidate to file a summary report  
1042 correcting the problem.

1043 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a  
1044 summary report within [~~14~~] seven days after receiving notice from the county clerk under this  
1045 section.

1046 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a  
1047 class B misdemeanor.

1048 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or

1049 county attorney.

1050 (iv) In addition to the criminal penalty described in Subsection (3)(c)(ii), the lieutenant  
1051 governor shall impose a civil fine of \$100 against a local school board candidate who violates  
1052 Subsection (3)(c)(i).

1053 Section 18. Section **20A-11-1503** is amended to read:

1054 **20A-11-1503. Criminal penalties -- Fines.**

1055 (1) Within 30 days after a deadline for the filing of a financial statement required by  
1056 this part, the lieutenant governor shall review each filed financial statement to ensure that:

1057 (a) each labor organization that is required to file a financial statement has filed one;  
1058 and

1059 (b) each financial statement contains the information required by this part.

1060 (2) If it appears that any labor organization has failed to file a financial statement, if it  
1061 appears that a filed financial statement does not conform to the law, or if the lieutenant  
1062 governor has received a written complaint alleging a violation of the law or the falsity of a  
1063 financial statement, the lieutenant governor shall:

1064 (a) impose a fine against the labor organization in accordance with Section  
1065 20A-11-1005; and

1066 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
1067 the labor organization of the violation or written complaint and direct the labor organization to  
1068 file a financial statement correcting the problem.

1069 (3) (a) It is unlawful for any labor organization to fail to file or amend a financial  
1070 statement within [~~14~~] seven days after receiving notice from the lieutenant governor under this  
1071 section.

1072 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B  
1073 misdemeanor.

1074 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the  
1075 attorney general.

1076 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant  
1077 governor shall impose a civil fine of \$1000 against a labor organization that violates  
1078 Subsection (3)(a).