

**DISCLOSURE REQUIREMENTS FOR MIDTERM VACANCY**

**CANDIDATES**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: Keven J. Stratton

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to certain filings by a candidate for a midterm vacancy appointment.

**Highlighted Provisions:**

This bill:

- ▶ requires a political party to forward the name of a candidate for a midterm vacancy appointment to the Office of the Lieutenant Governor;
- ▶ amends the definitions of "legislative office candidate" and "state office candidate";
- ▶ enacts provisions requiring a state office candidate for a midterm vacancy appointment to file an interim report;
- ▶ enacts provisions requiring a legislative office candidate for a midterm vacancy appointment to file an interim report; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



- 28           **20A-8-401**, as last amended by Laws of Utah 2012, Chapter 73
- 29           **20A-11-101**, as last amended by Laws of Utah 2012, Chapter 230
- 30           **20A-11-204**, as last amended by Laws of Utah 2011, Chapter 347
- 31           **20A-11-205**, as last amended by Laws of Utah 1997, Chapter 355
- 32           **20A-11-206**, as last amended by Laws of Utah 2011, Chapter 396
- 33           **20A-11-303**, as last amended by Laws of Utah 2011, Chapter 347
- 34           **20A-11-304**, as last amended by Laws of Utah 1997, Chapter 355
- 35           **20A-11-305**, as last amended by Laws of Utah 2011, Chapter 396



36  
37 *Be it enacted by the Legislature of the state of Utah:*

38           Section 1. Section **20A-8-401** is amended to read:

39           **20A-8-401. Registered political parties -- Bylaws -- Report name of midterm**  
40 **vacancy candidate.**

41           (1) (a) Each registered state political party shall file a copy of its constitution and  
42 bylaws with the lieutenant governor by January 1, 1995.

43           (b) Each new or unregistered state political party that seeks to become a registered  
44 political party under the authority of this chapter shall file a copy of its proposed constitution  
45 and bylaws at the time it files its registration information.

46           (c) Each registered state political party shall file revised copies of its constitution or  
47 bylaws with the lieutenant governor within 15 days after the constitution or bylaws are adopted  
48 or amended.

49           (2) Each state political party, each new political party seeking registration, and each  
50 unregistered political party seeking registration shall ensure that its constitution or bylaws  
51 contain:

52           (a) provisions establishing party organization, structure, membership, and governance  
53 that include:

54           (i) a description of the position, selection process, qualifications, duties, and terms of  
55 each party officer and committees defined by constitution and bylaws;

56           (ii) a provision requiring a designated party officer to serve as liaison with:

57           (A) the lieutenant governor on all matters relating to the political party's relationship  
58 with the state; and

- 59 (B) each county legislative body on matters relating to the political party's relationship  
60 with a county;
- 61 (iii) a description of the requirements for participation in party processes;
- 62 (iv) the dates, times, and quorum of any regularly scheduled party meetings,  
63 conventions, or other conclaves; and
- 64 (v) a mechanism for making the names of delegates, candidates, and elected party  
65 officers available to the public shortly after they are selected;
- 66 (b) a procedure for selecting party officers that allows active participation by party  
67 members;
- 68 (c) a procedure for selecting party candidates at the federal, state, and county levels that  
69 allows active participation by party members;
- 70 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the  
71 electoral college for the party's candidates for president and vice president of the United States;  
72 and
- 73 (ii) a procedure for filling vacancies in the office of presidential elector because of  
74 death, refusal to act, failure to attend, ineligibility, or any other cause;
- 75 (e) a procedure for filling vacancies in the office of representative or senator or a  
76 county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;
- 77 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- 78 (g) a procedure for replacing party candidates who die, acquire a disability that  
79 prevents the candidate from continuing the candidacy, or are disqualified before a primary or  
80 regular general election;
- 81 (h) provisions governing the deposit and expenditure of party funds, and governing the  
82 accounting for, reporting, and audit of party financial transactions;
- 83 (i) provisions governing access to party records;
- 84 (j) a procedure for amending the constitution or bylaws that allows active participation  
85 by party members or their representatives;
- 86 (k) a process for resolving grievances against the political party; and
- 87 (l) if desired by the political party, a process for consulting with, and obtaining the  
88 opinion of, the political party's Utah Senate and Utah House members about:
- 89 (i) the performance of the two United States Senators from Utah, including

90 specifically:

91 (A) their views and actions regarding the defense of state's rights and federalism; and

92 (B) their performance in representing Utah's interests;

93 (ii) the members' opinion about, or rating of, and support or opposition to the policy

94 positions of any candidates for United States Senate from Utah, including incumbents,

95 including specifically:

96 (A) their views and actions regarding the defense of state's rights and federalism; and

97 (B) their performance in representing Utah's interests; and

98 (iii) the members' collective or individual endorsement or rating of a particular

99 candidate for United States Senate from Utah.

100 (3) If, in accordance with a political party's constitution or bylaws, a person files a  
101 declaration or otherwise notifies the party of the person's candidacy as a legislative office  
102 candidate or state office candidate, as defined in Section 20A-11-101, to be appointed and fill a  
103 midterm vacancy in the office of representative or senator in the Legislature, as described in  
104 Section 20A-1-503, or in a state office as described in Section 20A-1-504, the party shall  
105 forward a copy of that declaration or notification to the lieutenant governor no later than 5 p.m.  
106 of the day following the day on which the party receives the declaration or notification.

107 Section 2. Section **20A-11-101** is amended to read:

108 **20A-11-101. Definitions.**

109 As used in this chapter:

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

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

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

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

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

120 (4) "Chief election officer" means:

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

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

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

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

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

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

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

135 (v) remuneration from:

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

137 or

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

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

141 (b) "Contribution" does not include:

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

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

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

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

151 (a) with the candidate's or political party's prior knowledge, if the candidate or political

152 party does not object;

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

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

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

156 political party.

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

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

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

162 proposition.

163 (b) "Corporation" does not mean:

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

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

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

169 (9) "County political party officer" means a person whose name is required to be  
170 submitted by a county political party to the lieutenant governor in accordance with Section  
171 20A-8-402.

172 (10) "Detailed listing" means:

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

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

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

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

178 (b) for each expenditure:

179 (i) the amount of the expenditure;

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

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

182 (iv) the date the expenditure was made.

- 183 (11) "Election" means each:
- 184 (a) regular general election;
- 185 (b) regular primary election; and
- 186 (c) special election at which candidates are eliminated and selected.
- 187 (12) "Electioneering communication" means a communication that:
- 188 (a) has at least a value of \$10,000;
- 189 (b) clearly identifies a candidate or judge; and
- 190 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 191 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 192 identified candidate's or judge's election date.
- 193 (13) (a) "Expenditure" means:
- 194 (i) any disbursement from contributions, receipts, or from the separate bank account
- 195 required by this chapter;
- 196 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 197 or anything of value made for political purposes;
- 198 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 199 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 200 value for political purposes;
- 201 (iv) compensation paid by a filing entity for personal services rendered by a person
- 202 without charge to a reporting entity;
- 203 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 204 committee; or
- 205 (vi) goods or services provided by the filing entity to or for the benefit of another
- 206 reporting entity for political purposes at less than fair market value.
- 207 (b) "Expenditure" does not include:
- 208 (i) services provided without compensation by individuals volunteering a portion or all
- 209 of their time on behalf of a reporting entity;
- 210 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 211 business; or
- 212 (iii) anything listed in Subsection (13)(a) that is given by a reporting entity to
- 213 candidates for office or officeholders in states other than Utah.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

244 (26) "Party committee" means any committee organized by or authorized by the



245 governing board of a registered political party.

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

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

251 (29) "Personal use expenditure" has the same meaning as provided under Section  
252 20A-11-104.

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

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

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

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

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

263 (i) a party committee;

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

266 (iii) an individual;

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

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

271 (vi) a personal campaign committee.

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

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

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

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

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

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

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

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

288 (iii) an individual;

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

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

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

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

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

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

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

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

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

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

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

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

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

312 (A) a ballot proposition; or

313 (B) an incorporation petition or incorporation election;

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

316 (A) a ballot proposition; or

317 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

333 (36) "Primary election" means any regular primary election held under the election  
334 laws.

335 (37) "Public office" means the office of governor, lieutenant governor, state auditor,  
336 state treasurer, attorney general, state or local school board member, state senator, state  
337 representative, speaker of the House of Representatives, president of the Senate, and the leader,

338 whip, and assistant whip of any party caucus in either house of the Legislature.

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

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

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

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

347 (i) anything provided by the state;

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

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

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

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

356 (39) "Publicly identified class of individuals" means a group of 50 or more individuals  
357 sharing a common occupation, interest, or association that contribute to a political action  
358 committee or political issues committee and whose names can be obtained by contacting the  
359 political action committee or political issues committee upon whose financial statement the  
360 individuals are listed.

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

362 (41) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
363 Lobbyist Disclosure and Regulation Act.

364 (42) "Registered political action committee" means any political action committee that  
365 is required by this chapter to file a statement of organization with the [~~lieutenant governor's~~  
366 office] Office of the Lieutenant Governor.

367 (43) "Registered political issues committee" means any political issues committee that  
368 is required by this chapter to file a statement of organization with the [~~lieutenant governor's~~

369 office] Office of the Lieutenant Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

399 (b) receives contributions, makes expenditures, or gives consent for any other person to

400 receive contributions or make expenditures to bring about the person's nomination, ~~or~~  
401 election, or appointment to a state office.

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

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

406 Section 3. Section **20A-11-204** is amended to read:

407 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**  
408 **reports.**

409 (1) ~~Each~~ (a) Except as provided in Subsection (1)(b), each state office candidate  
410 shall file an interim report at the following times in any year in which the candidate has filed a  
411 declaration of candidacy for a public office:

412 ~~(a)~~ (i) seven days before the candidate's political convention;

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

414 ~~(c)~~ (iii) August 31; and

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

416 (b) If a state office candidate is a state office candidate seeking appointment for a  
417 midterm vacancy, the state office candidate:

418 (i) shall file an interim report:

419 (A) no later than seven days before the day on which the political party of the party for  
420 which the state office candidate seeks nomination meets to declare a nominee for the governor  
421 to appoint in accordance with Section 20A-1-504; or

422 (B) if a state office candidate decides to seek the appointment with less than seven days  
423 before the party meets, or the political party schedules the meeting to declare a nominee less  
424 than seven days before the day of the meeting, no later than 5 p.m. on the last day of business  
425 before the day on which the party meets; and

426 (ii) is not required to file an interim report at the times described in Subsection (1)(a).

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

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

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

- 431 (c) a single figure equal to the total amount of expenditures reported on all prior  
432 interim reports, if any, filed during the calendar year in which the interim report is due;
- 433 (d) a detailed listing of each contribution and public service assistance received since  
434 the last summary report that has not been reported in detail on a prior interim report;
- 435 (e) for each nonmonetary contribution:
- 436 (i) the fair market value of the contribution with that information provided by the  
437 contributor; and
- 438 (ii) a specific description of the contribution;
- 439 (f) a detailed listing of each expenditure made since the last summary report that has  
440 not been reported in detail on a prior interim report;
- 441 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 442 (h) a net balance for the year consisting of the net balance from the last summary  
443 report, if any, plus all receipts since the last summary report minus all expenditures since the  
444 last summary report;
- 445 (i) a summary page in the form required by the lieutenant governor that identifies:
- 446 (i) beginning balance;
- 447 (ii) total contributions during the period since the last statement;
- 448 (iii) total contributions to date;
- 449 (iv) total expenditures during the period since the last statement; and
- 450 (v) total expenditures to date; and
- 451 (j) the name of a political action committee for which the state office candidate is  
452 designated as an officer who has primary decision-making authority under Section  
453 20A-11-601.
- 454 (3) (a) For all individual contributions or public service assistance of \$50 or less, a  
455 single aggregate figure may be reported without separate detailed listings.
- 456 (b) Two or more contributions from the same source that have an aggregate total of  
457 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 458 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported  
459 as of five days before the required filing date of the report.
- 460 (b) Any negotiable instrument or check received by a state office candidate more than  
461 five days before the required filing date of a report required by this section shall be included in

462 the interim report.

463 Section 4. Section **20A-11-205** is amended to read:

464 **20A-11-205. State office candidate -- Financial reporting requirements --**  
465 **Termination of duty to report.**

466 (1) Each state office candidate and the candidate's personal campaign committee is  
467 active and subject to interim reporting requirements until:

468 (a) the candidate withdraws or is eliminated in a convention or primary[?]; or

469 (b) if seeking appointment as a midterm vacancy state office candidate:

470 (i) the political party liaison fails to forward the person's name to the governor; or

471 (ii) the governor fails to appoint the person to fill the vacancy.

472 (2) Each state office candidate and the candidate's personal campaign committee is  
473 active and subject to year-end summary reporting requirements until the candidate has filed a  
474 statement of dissolution with the lieutenant governor stating that:

475 (a) the state office candidate or the personal campaign committee is no longer receiving  
476 contributions and is no longer making expenditures;

477 (b) the ending balance on the last summary report filed is zero and the balance in the  
478 separate bank account required in Section 20A-11-201 is zero; and

479 (c) a final summary report in the form required by Section 20A-11-203 showing a zero  
480 balance is attached to the statement of dissolution.

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

482 (4) Each state office candidate and the candidate's personal campaign committee shall  
483 continue to file the year-end summary report required by Section 20A-11-203 until the  
484 statement of dissolution and final summary report required by this section are filed with the  
485 lieutenant governor.

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

487 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

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

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

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



493 the ballots are delivered to voters; or

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

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

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

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

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

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

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

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

511 (A) an amended report; or

512 (B) the next scheduled report.

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

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

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

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

524 problem.

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

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

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

531 Section 6. Section **20A-11-303** is amended to read:

532 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**  
533 **Interim reports.**

534 (1) ~~[Each]~~ (a) Except as provided in Subsection (1)(b), each legislative office  
535 candidate shall file an interim report at the following times in any year in which the candidate  
536 has filed a declaration of candidacy for a public office:

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

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

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

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

541 (b) If a legislative office candidate is a legislative office candidate seeking appointment  
542 for a midterm vacancy, the legislative office candidate:

543 (i) shall file an interim report:

544 (A) no later than seven days before the day on which the political party of the party for  
545 which the legislative office candidate seeks nomination meets to declare a nominee for the  
546 governor to appoint in accordance with Section 20A-1-503; or

547 (B) if a legislative office candidate decides to seek the appointment with less than  
548 seven days before the party meets, or the political party schedules the meeting to declare a  
549 nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day  
550 of business before the day on which the party meets; and

551 (ii) is not required to file an interim report at the times described in Subsection (1)(a).

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

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

554 (b) a single figure equal to the total amount of receipts reported on all prior interim

555 reports, if any, during the calendar year in which the interim report is due;

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

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

560 (e) for each nonmonetary contribution:

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

563 (ii) a specific description of the contribution;

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

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

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

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

571 (i) beginning balance;

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

573 (iii) total contributions to date;

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

575 (v) total expenditures to date; and

576 (j) the name of a political action committee for which the legislative office candidate is  
577 designated as an officer who has primary decision-making authority under Section  
578 20A-11-601.

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

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

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

585 (b) Any negotiable instrument or check received by a legislative office candidate more

586 than five days before the required filing date of a report required by this section shall be  
587 included in the interim report.

588 Section 7. Section **20A-11-304** is amended to read:

589 **20A-11-304. Legislative office candidate -- Financial reporting requirements --**  
590 **Termination of duty to report.**

591 (1) Each legislative office candidate is subject to interim reporting requirements until:

592 (a) the candidate withdraws or is eliminated in a convention or primary[.]; or

593 (b) if seeking appointment as a midterm vacancy legislative office candidate:

594 (i) the political party liaison fails to forward the person's name to the governor; or

595 (ii) the governor fails to appoint the person to fill the vacancy.

596 (2) Each legislative office candidate is subject to year-end summary reporting  
597 requirements until the candidate has filed a statement of dissolution with the lieutenant  
598 governor stating that:

599 (a) the legislative office candidate is no longer receiving contributions and is no longer  
600 making expenditures;

601 (b) the ending balance on the last summary report filed is zero and the balance in the  
602 separate bank account required in Section 20A-11-301 is zero; and

603 (c) a final summary report in the form required by Section 20A-11-302 showing a zero  
604 balance is attached to the statement of dissolution.

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

606 (4) Each legislative office candidate shall continue to file the year-end summary report  
607 required by Section 20A-11-302 until the statement of dissolution and final summary report  
608 required by this section are filed with the lieutenant governor.

609 Section 8. Section **20A-11-305** is amended to read:

610 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

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

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

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

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

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

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

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

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

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

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

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

634 (A) an amended report; or

635 (B) the next scheduled report.

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

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

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

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

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

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

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

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**Legislative Review Note**  
**as of 2-25-13 2:20 PM**

**Office of Legislative Research and General Counsel**