

Representative Patrice M. Arent proposes the following substitute bill:

1 **CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS**

2 **REVISIONS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Patrice M. Arent**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of the Election Code relating to campaign and financial
11 reporting requirements.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ grants rulemaking authority to the director of elections;
- 15 ▶ permits the lieutenant governor to provide notice to a reporting entity that fails to
16 file a complete financial statement, requiring the reporting entity to file an amended
17 financial statement;
- 18 ▶ makes it a class B misdemeanor for a reporting entity to fail to file an amended
19 financial report within seven days after the day on which the notice described in the
20 preceding paragraph is served; and
- 21 ▶ provides that when a person makes a detailed listing that discloses or reports the
22 source of a contribution, discloses or reports the person or entity to whom a
23 disbursement is made, or discloses or reports the identity of a donor, the person:
- 24 • shall reveal the actual source of the contribution, the actual person or entity to
25 whom the disbursement is ultimately made, or the actual identity



26 of the donor; and

- 27 • may not merely list, disclose, or report the transactional intermediary.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **20A-11-101.3**, Utah Code Annotated 1953

35 **20A-11-101.5**, Utah Code Annotated 1953

36 **20A-12-301.5**, Utah Code Annotated 1953



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

39 Section 1. Section **20A-11-101.3** is enacted to read:

40 **20A-11-101.3. Detailed listing -- Rulemaking authority -- Enforcement.**

41 (1) The director of elections, within the Lieutenant Governor's Office, may make rules,
42 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in relation to
43 the form, type, and level of detail required in a detailed listing.

44 (2) If a reporting entity files a financial statement that does not provide all of the
45 information required, including the level of detail required, for a detailed listing under this
46 chapter, or rules made by the lieutenant governor under this chapter, the lieutenant governor
47 may provide written notice to the reporting entity that:

48 (a) identifies the information missing from the financial statement;

49 (b) states that the reporting entity is required to file an amended financial statement
50 with the lieutenant governor that includes the missing information identified in the notice; and

51 (c) states that it is a class B misdemeanor to fail to file the amended financial statement
52 described in Subsection (2)(b) within seven calendar days after the day on which the reporting
53 entity receives the written notice.

54 (3) A reporting entity is guilty of a class B misdemeanor if the reporting entity fails to
55 file an amended financial statement with the lieutenant governor that includes the missing
56 information identified in the notice described in Subsection (2) within seven calendar days after

57 the day on which the reporting entity receives the written notice.

58 (4) The lieutenant governor shall report each violation of Subsection (3) to the attorney
59 general.

60 (5) In addition to the criminal penalty described in Subsection (3), the lieutenant
61 governor shall impose a civil fine of \$100 against a reporting entity that violates Subsection
62 (3).

63 Section 2. Section **20A-11-101.5** is enacted to read:

64 **20A-11-101.5. Disclosure of actual source or recipient required.**

65 (1) As used in this section, "transactional intermediary" means a person that pays or
66 transfers money to a person on behalf of another person, including a credit card company, a
67 financial institution, or a money transfer service.

68 (2) When, under this chapter, a person makes a detailed listing, discloses or reports the
69 source of a contribution, discloses or reports the person or entity to whom a disbursement is
70 made, or discloses or reports the identity of a donor, the person:

71 (a) shall reveal the actual source of the contribution, the actual person or entity to
72 whom the disbursement is ultimately made, or the actual identity of the donor; and

73 (b) may not merely list, disclose, or report the transactional intermediary.

74 Section 3. Section **20A-12-301.5** is enacted to read:

75 **20A-12-301.5. Disclosure of actual source or recipient required.**

76 (1) As used in this section, "transactional intermediary" means a person that pays or
77 transfers money to a person on behalf of another person, including a credit card company, a
78 financial institution, or a money transfer service.

79 (2) When, under this chapter, a person makes a detailed listing, discloses or reports the
80 source of a contribution, discloses or reports the person or entity to whom a disbursement is
81 made, or discloses or reports the identity of a donor, the person:

82 (a) shall reveal the actual source of the contribution, the actual person or entity to
83 whom the disbursement is ultimately made, or the actual identity of the donor; and

84 (b) may not merely list, disclose, or report the transactional intermediary.