

**CAMPAIGN CONTRIBUTIONS AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends campaign finance provisions related to anonymous contributions, in the form of cash or a negotiable instrument, and aggregate reporting of those contributions.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ prohibits an anonymous contribution that is:
  - over \$50; and
  - cash or a negotiable instrument;
- ▶ requires a candidate to disburse an anonymous contribution or public service assistance that is cash or a negotiable instrument and over \$50 to:
  - the state or a political subdivision for deposit into its general fund; or
  - an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- ▶ prohibits a filing entity, other than a candidate, from using an anonymous contribution that is cash or a negotiable instrument in excess of \$50 for a political purpose or as a political issues expenditure; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **10-3-208**, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230

34 **17-16-6.5**, as last amended by Laws of Utah 2014, Chapter 337

35 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337

36 **20A-11-201**, as last amended by Laws of Utah 2014, Chapter 335

37 **20A-11-301**, as last amended by Laws of Utah 2014, Chapter 335

38 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347

39 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396

40 **20A-11-602**, as last amended by Laws of Utah 2013, Chapter 420

41 **20A-11-802**, as last amended by Laws of Utah 2013, Chapter 420

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

43 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337

44 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166

45 **20A-12-303**, as last amended by Laws of Utah 2014, Chapter 335



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

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

49 **10-3-208. Campaign finance disclosure in municipal election.**

50 (1) As used in this section:

51 (a) "Reporting date" means:

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

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

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

55 30 days after a municipal primary or general election.

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

57 (i) \$50; or

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

59 (2) (a) (i) Each candidate for municipal office:  
60 (A) shall deposit a campaign contribution in a separate campaign account in a financial  
61 institution; and  
62 (B) may not deposit or mingle any campaign contributions received into a personal or  
63 business account.  
64 (ii) Each candidate for municipal office who is not eliminated at a municipal primary  
65 election shall file with the municipal clerk or recorder a campaign finance statement:  
66 (A) no later than seven days before the date of the municipal general election; and  
67 (B) no later than 30 days after the date of the municipal general election.  
68 (iii) Each candidate for municipal office who is eliminated at a municipal primary  
69 election shall file with the municipal clerk or recorder a campaign finance statement no later  
70 than 30 days after the date of the municipal primary election.  
71 (b) Each campaign finance statement under Subsection (2)(a) shall:  
72 (i) except as provided in Subsection (2)(b)(ii):  
73 (A) report all of the candidate's itemized and total:  
74 (I) campaign contributions, including in-kind and other nonmonetary contributions,  
75 received before the close of the reporting date; and  
76 (II) campaign expenditures made through the close of the reporting date; and  
77 (B) identify:  
78 (I) for each contribution that exceeds the reporting limit, the amount of the contribution  
79 and the name of the donor, if known;  
80 (II) the aggregate total of all contributions that individually do not exceed the reporting  
81 limit; and  
82 (III) for each campaign expenditure, the amount of the expenditure and the name of the  
83 recipient of the expenditure; or  
84 (ii) report the total amount of all campaign contributions and expenditures if the  
85 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the  
86 candidate's campaign.  
87 (c) A person who makes a contribution to a candidate shall disclose the person's name  
88 to the candidate if the contribution:  
89 (i) is cash or a negotiable instrument; and

90 (ii) exceeds the reporting limit.

91 (d) Within 30 days after receiving a contribution that is cash or a negotiable  
92 instrument, exceeds the reporting limit, and is from a donor whose name is unknown, a  
93 candidate shall disburse the amount of the contribution to:

94 (i) the treasurer of the state or a political subdivision for deposit into the state's or  
95 political subdivision's general fund; or

96 (ii) an organization that is exempt from federal income taxation under Section  
97 501(c)(3), Internal Revenue Code.

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

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

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

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

107 (i) a contribution deposited in an account:

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

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

110 (ii) an expenditure made from an account:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

151 (i) shall:

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

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

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

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

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

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

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

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

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

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

171 **17-16-6.5. Campaign financial disclosure in county elections.**

172 (1) A person who makes a contribution to a candidate shall disclose the person's name  
173 to the candidate if the contribution:

174 (a) is cash or a negotiable instrument; and

175 (b) exceeds \$50.

176 ~~[(+)]~~ (2) (a) A county shall adopt an ordinance establishing campaign finance  
177 disclosure requirements for:

178 (i) candidates for county office; and

179 (ii) candidates for local school board office who reside in that county.

180 (b) The ordinance required by Subsection ~~[(+)]~~ (2)(a) shall include:

181 (i) a requirement that each candidate for county office or local school board office  
182 report the candidate's itemized and total campaign contributions and expenditures at least once

183 within the two weeks before the election and at least once within two months after the election;

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

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

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

189 (B) for each expenditure, the name of the recipient and the amount of the expenditure;

190 (iv) a requirement that a candidate for county office or local school board office

191 deposit a contribution in a separate campaign account in a financial institution; [~~and~~]

192 (v) a prohibition against a candidate for county office or local school board office  
193 depositing or mingling any contributions received into a personal or business account[-];

194 (vi) a requirement that a person who makes a contribution to a candidate shall disclose  
195 the person's name to the candidate if the contribution:

196 (A) is cash or a negotiable instrument; and

197 (B) exceeds \$50; and

198 (vii) a requirement that a candidate for county office who receives a contribution that is  
199 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,  
200 shall, within 30 days after receiving the contribution, disburse the amount of the contribution  
201 to:

202 (A) the treasurer of the state or a political subdivision for deposit into the state's or  
203 political subdivision's general fund; or

204 (B) an organization that is exempt from federal income taxation under Section  
205 501(c)(3), Internal Revenue Code.

206 (c) (i) As used in this Subsection [~~(1)~~] (2)(c), "account" means an account in a financial  
207 institution:

208 (A) that is not described in Subsection [~~(1)~~] (2)(b)(iv); and

209 (B) into which or from which a person who, as a candidate for an office, other than a  
210 county office for which the person files a declaration of candidacy or federal office, or as a  
211 holder of an office, other than a county office for which the person files a declaration of  
212 candidacy or federal office, deposits a contribution or makes an expenditure.

213 (ii) The ordinance required by Subsection [~~(1)~~] (2)(a) shall include a requirement that a

214 candidate for county office or local school board office include on a financial report filed in  
215 accordance with the ordinance a contribution deposited in or an expenditure made from an  
216 account:

- 217 (A) since the last financial report was filed; or
- 218 (B) that has not been reported under a statute or ordinance that governs the account.

219 ~~[(2)]~~ (3) If any county fails to adopt a campaign finance disclosure ordinance described  
220 in Subsection ~~[(1)]~~ (2), candidates for county office, other than community council office, and  
221 candidates for local school board office shall comply with the financial reporting requirements  
222 contained in Subsections ~~[(3)]~~ (4) through ~~[(7)]~~ (9).

223 ~~[(3)]~~ (4) A candidate for elective office in a county or local school board office:

224 (a) shall deposit a contribution in a separate campaign account in a financial institution;  
225 and

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

228 ~~[(4)]~~ (5) Each candidate for elective office in any county who is not required to submit  
229 a campaign financial statement to the lieutenant governor, and each candidate for local school  
230 board office, shall file a signed campaign financial statement with the county clerk:

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

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

235 ~~[(5)]~~ (6) (a) The statement filed seven days before the regular general election shall  
236 include:

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

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

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

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

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



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

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

250 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "account" means an account in a  
 251 financial institution:

252 (i) that is not described in Subsection ~~[(3)]~~ (4)(a); and

253 (ii) into which or from which a person who, as a candidate for an office, other than a  
 254 county office for which the person filed a declaration of candidacy or federal office, or as a  
 255 holder of an office, other than a county office for which the person filed a declaration of  
 256 candidacy or federal office, deposits a contribution or makes an expenditure.

257 (b) A county office candidate and a local school board office candidate shall include on  
 258 any campaign financial statement filed in accordance with Subsection ~~[(4) or]~~ (5) or (6):

259 (i) a contribution deposited in an account:

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

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

262 (ii) an expenditure made from an account:

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

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

265 (8) Within 30 days after receiving a contribution that is cash or a negotiable  
 266 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office  
 267 candidate shall disburse the amount of the contribution to:

268 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
 269 political subdivision's general fund; or

270 (b) an organization that is exempt from federal income taxation under Section  
 271 501(c)(3), Internal Revenue Code.

272 ~~[(7)]~~ (9) Candidates for elective office in any county, and candidates for local school  
 273 board office, who are eliminated at a primary election shall file a signed campaign financial  
 274 statement containing the information required by this section not later than 30 days after the  
 275 primary election.

276           ~~[(8)]~~ (10) Any person who fails to comply with this section is guilty of an infraction.

277           ~~[(9)]~~ (11) (a) Counties may, by ordinance, enact requirements that:

278           (i) require greater disclosure of campaign contributions and expenditures; and

279           (ii) impose additional penalties.

280           (b) The requirements described in Subsection ~~[(9)]~~ (11)(a) apply to a local school  
281 board office candidate who resides in that county.

282           ~~[(10)]~~ (12) (a) If a candidate fails to file an interim report due before the election, the  
283 county clerk shall, after making a reasonable attempt to discover if the report was timely  
284 mailed, inform the appropriate election officials who:

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

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

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

291           (b) Notwithstanding Subsection ~~[(10)]~~ (12)(a), a candidate is not disqualified if:

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

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

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

298           (c) A report is considered filed if:

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

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

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

305           ~~[(11)]~~ (13) (a) Any private party in interest may bring a civil action in district court to  
306 enforce the provisions of this section or any ordinance adopted under this section.

307 (b) In a civil action filed under Subsection [~~(11)~~] (13)(a), the court shall award costs  
308 and [attorney's] attorney fees to the prevailing party.

309 [~~(12)~~] (14) Notwithstanding any provision of Title 63G, Chapter 2, Government  
310 Records Access and Management Act, the county clerk shall:

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

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

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

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

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

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

323 **20A-11-101. Definitions.**

324 As used in this chapter:

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

327 (2) "Agent of a reporting entity" means:

328 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
329 entity;

330 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
331 reporting entity;

332 (c) the personal campaign committee of a candidate or officeholder;

333 (d) a member of the personal campaign committee of a candidate or officeholder in the  
334 member's capacity as a member of the personal campaign committee of the candidate or  
335 officeholder; or

336 (e) a political consultant of a reporting entity.

337 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional

338 amendments, and any other ballot propositions submitted to the voters that are authorized by  
339 the Utah Code Annotated 1953.

340 (4) "Candidate" means any person who:

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

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

345 (5) "Chief election officer" means:

346 (a) the lieutenant governor for state office candidates, legislative office candidates,  
347 officeholders, political parties, political action committees, corporations, political issues  
348 committees, state school board candidates, judges, and labor organizations, as defined in  
349 Section [20A-11-1501](#); and

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

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

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

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

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

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

360 (v) remuneration from:

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

362 or

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

364 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

365 (vii) in-kind contributions.

366 (b) "Contribution" does not include:

367 (i) services provided by individuals volunteering a portion or all of their time on behalf  
368 of the filing entity if the services are provided without compensation by the filing entity or any

369 other person;

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

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

375 (7) "Coordinated with" means that goods or services provided for the benefit of a  
376 candidate or political party are provided:

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

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

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

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

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

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

387 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
388 proposition.

389 (b) "Corporation" does not mean:

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

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

392 (9) "County political party" means, for each registered political party, all of the persons  
393 within a single county who, under definitions established by the political party, are members of  
394 the registered political party.

395 (10) "County political party officer" means a person whose name is required to be  
396 submitted by a county political party to the lieutenant governor in accordance with Section  
397 [20A-8-402](#).

398 (11) "Detailed listing" means:

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

400 (i) the name and address of the individual or source making the contribution or public  
401 service assistance, except to the extent that the name or address of the individual or source is  
402 unknown;

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

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

405 (b) for each expenditure:

406 (i) the amount of the expenditure;

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

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

409 (iv) the date the expenditure was made.

410 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment  
411 for membership in the corporation, to a corporation without receiving full and adequate  
412 consideration for the money.

413 (b) "Donor" does not include a person that signs a statement that the corporation may  
414 not use the money for an expenditure or political issues expenditure.

415 (13) "Election" means each:

416 (a) regular general election;

417 (b) regular primary election; and

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

419 (14) "Electioneering communication" means a communication that:

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

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

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

425 (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
426 agent of a reporting entity on behalf of the reporting entity:

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

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

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

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

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

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

440 (b) "Expenditure" does not include:

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

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

445 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
446 candidates for office or officeholders in states other than Utah.

447 (16) "Federal office" means the office of president of the United States, United States  
448 Senator, or United States Representative.

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

451 (18) "Financial statement" includes any summary report, interim report, verified  
452 financial statement, or other statement disclosing contributions, expenditures, receipts,  
453 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
454 Retention Elections.

455 (19) "Governing board" means the individual or group of individuals that determine the  
456 candidates and committees that will receive expenditures from a political action committee,  
457 political party, or corporation.

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

460 (21) "Incorporation election" means the election authorized by Section [10-2-111](#) or  
461 [10-2-127](#).

462 (22) "Incorporation petition" means a petition authorized by Section 10-2-109 or  
463 10-2-125.

464 (23) "Individual" means a natural person.

465 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
466 by or coordinated with a filing entity.

467 (25) "Interim report" means a report identifying the contributions received and  
468 expenditures made since the last report.

469 (26) "Legislative office" means the office of state senator, state representative, speaker  
470 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
471 whip of any party caucus in either house of the Legislature.

472 (27) "Legislative office candidate" means a person who:

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

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

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

480 (28) "Major political party" means either of the two registered political parties that  
481 have the greatest number of members elected to the two houses of the Legislature.

482 (29) "Officeholder" means a person who holds a public office.

483 (30) "Party committee" means any committee organized by or authorized by the  
484 governing board of a registered political party.

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

488 (32) "Personal campaign committee" means the committee appointed by a candidate to  
489 act for the candidate as provided in this chapter.

490 (33) "Personal use expenditure" has the same meaning as provided under Section  
491 20A-11-104.

492 (34) (a) "Political action committee" means an entity, or any group of individuals or



493 entities within or outside this state, a major purpose of which is to:

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

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

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

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

502 (i) a party committee;

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

505 (iii) an individual;

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

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

510 (vi) a personal campaign committee.

511 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
512 by another person on behalf of and with the knowledge of the reporting entity, to provide  
513 political advice to the reporting entity.

514 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),  
515 where the person:

516 (i) has already been paid, with money or other consideration;

517 (ii) expects to be paid in the future, with money or other consideration; or

518 (iii) understands that the person may, in the discretion of the reporting entity or another  
519 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
520 money or other consideration.

521 (36) "Political convention" means a county or state political convention held by a  
522 registered political party to select candidates.

523 (37) (a) "Political issues committee" means an entity, or any group of individuals or

524 entities within or outside this state, a major purpose of which is to:

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

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

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

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

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

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

537 (iii) an individual;

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

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

542 (38) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

554 (i) services provided without compensation by individuals volunteering a portion or all

555 of their time on behalf of a political issues committee; or

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

558 (39) (a) "Political issues expenditure" means any of the following when made by a  
559 political issues committee or on behalf of a political issues committee by an agent of the  
560 reporting entity:

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

563 (A) a ballot proposition; or

564 (B) an incorporation petition or incorporation election;

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

567 (A) a ballot proposition; or

568 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

584 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
585 knowledge of an individual who has filed a declaration of candidacy for public office, or of a

586 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
587 person or by telephone, facsimile, Internet, postal mail, or email.

588 (b) "Poll" does not include:

589 (i) a ballot; or

590 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

591 (A) the focus group consists of more than three, and less than thirteen, individuals; and

592 (B) all individuals in the focus group are present during the interview.

593 (42) "Primary election" means any regular primary election held under the election  
594 laws.

595 (43) "Public office" means the office of governor, lieutenant governor, state auditor,  
596 state treasurer, attorney general, state school board member, state senator, state representative,  
597 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
598 assistant whip of any party caucus in either house of the Legislature.

599 [~~(45)~~] (44) "Publicly identified class of individuals" means a group of 50 or more  
600 individuals sharing a common occupation, interest, or association that contribute to a political  
601 action committee or political issues committee and whose names can be obtained by contacting  
602 the political action committee or political issues committee upon whose financial statement the  
603 individuals are listed.

604 [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided  
605 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to  
606 communicate with the officeholder's constituents:

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

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

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

612 (i) anything provided by the state;

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

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

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

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

621 (46) "Receipts" means contributions and public service assistance.

622 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
623 Lobbyist Disclosure and Regulation Act.

624 (48) "Registered political action committee" means any political action committee that  
625 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
626 Governor.

627 (49) "Registered political issues committee" means any political issues committee that  
628 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
629 Governor.

630 (50) "Registered political party" means an organization of voters that:

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

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

636 (51) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

645 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
646 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
647 action committee, a political issues committee, a corporation, or a labor organization, as

648 defined in Section 20A-11-1501.

649 (53) "School board office" means the office of state school board.

650 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or  
651 intangible asset that comprises the contribution.

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

655 (55) "State office" means the offices of governor, lieutenant governor, attorney general,  
656 state auditor, and state treasurer.

657 (56) "State office candidate" means a person who:

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

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

662 (57) "Summary report" means the year end report containing the summary of a  
663 reporting entity's contributions and expenditures.

664 (58) "Supervisory board" means the individual or group of individuals that allocate  
665 expenditures from a political issues committee.

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

667 **20A-11-201. State office candidate -- Separate bank account for campaign funds**  
668 **-- No personal use -- Contribution reporting deadline -- Report other accounts --**  
669 **Anonymous contributions.**

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

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

675 (i) a personal use expenditure; or

676 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

698 (b) Each state office candidate shall report to the lieutenant governor each contribution  
699 and public service assistance received by the state office candidate:

700 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which  
701 the contribution or public service assistance is received; or

702 (ii) within three business days after the day on which the contribution or public service  
703 assistance is received, if:

704 (A) the state office candidate is contested in a convention and the contribution or  
705 public service assistance is received within 30 days before the day on which the convention is  
706 held;

707 (B) the state office candidate is contested in a primary election and the contribution or  
708 public service assistance is received within 30 days before the day on which the primary  
709 election is held; or

710 (C) the state office candidate is contested in a general election and the contribution or  
711 public service assistance is received within 30 days before the day on which the general  
712 election is held.

713 (c) Except as provided in Subsection (5)(d), for each contribution or provision of  
714 public service assistance that a state office candidate fails to report within the time period  
715 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state  
716 office candidate in an amount equal to:

717 (i) the greater of \$50 or 15% of the amount of the contribution; or

718 (ii) the greater of \$50 or 15% of the value of the public service assistance.

719 (d) A fine described in Subsection (5)(c) may not exceed the amount of the  
720 contribution or the value of the public service assistance to which the fine relates.

721 (e) The lieutenant governor shall:

722 (i) deposit money received under Subsection (5)(c) into the General Fund; and

723 (ii) report on the lieutenant governor's website, in the location where reports relating to  
724 each state office candidate are available for public access:

725 (A) each fine imposed by the lieutenant governor against the state office candidate;

726 (B) the amount of the fine;

727 (C) the amount of the contribution to which the fine relates; and

728 (D) the date of the contribution.

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

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

732 (ii) into which or from which a person who, as a candidate for an office, other than the  
733 state office for which the person files a declaration of candidacy or federal office, or as a holder  
734 of an office, other than a state office for which the person files a declaration of candidacy or  
735 federal office, deposits a contribution or makes an expenditure.

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

738 (i) a contribution deposited in an account:

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

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



741 (ii) an expenditure made from an account:  
 742 (A) since the last campaign finance statement was filed; or  
 743 (B) that has not been reported under a statute or ordinance that governs the account.  
 744 (7) Within 30 days after receiving a contribution that is cash or a negotiable  
 745 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse  
 746 the amount of the contribution to:

747 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
 748 political subdivision's general fund; or

749 (b) an organization that is exempt from federal income taxation under Section  
 750 501(c)(3), Internal Revenue Code.

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

752 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**  
 753 **Candidate as a political action committee officer -- No personal use -- Contribution**  
 754 **reporting deadline -- Report other accounts -- Anonymous contributions.**

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

758 (ii) A legislative office candidate may:

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

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

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

765 (i) a personal use expenditure; or

766 (ii) an expenditure prohibited by law.

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

769 (3) If a person who is no longer a legislative candidate chooses not to expend the  
 770 money remaining in a campaign account, the person shall continue to file the year-end  
 771 summary report required by Section **20A-11-302** until the statement of dissolution and final

772 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

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

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

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

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

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

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

788 (b) Each legislative office candidate shall report to the lieutenant governor each  
789 contribution and public service assistance received by the legislative office candidate:

790 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which  
791 the contribution or public service assistance is received; or

792 (ii) within three business days after the day on which the contribution or public service  
793 assistance is received, if:

794 (A) the legislative office candidate is contested in a convention and the contribution or  
795 public service assistance is received within 30 days before the day on which the convention is  
796 held;

797 (B) the legislative office candidate is contested in a primary election and the  
798 contribution or public service assistance is received within 30 days before the day on which the  
799 primary election is held; or

800 (C) the legislative office candidate is contested in a general election and the  
801 contribution or public service assistance is received within 30 days before the day on which the  
802 general election is held.

803 (c) Except as provided in Subsection (5)(d), for each contribution or provision of  
804 public service assistance that a legislative office candidate fails to report within the time period  
805 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the  
806 legislative office candidate in an amount equal to:

- 807 (i) the greater of \$50 or 15% of the amount of the contribution; or
- 808 (ii) the greater of \$50 or 15% of the value of the public service assistance.

809 (d) A fine described in Subsection (5)(c) may not exceed the amount of the  
810 contribution or the value of the public service assistance to which the fine relates.

811 (e) The lieutenant governor shall:

- 812 (i) deposit money received under Subsection (5)(c) into the General Fund; and
- 813 (ii) report on the lieutenant governor's website, in the location where reports relating to  
814 each legislative office candidate are available for public access:

815 (A) each fine imposed by the lieutenant governor against the legislative office  
816 candidate;

817 (B) the amount of the fine;

818 (C) the amount of the contribution to which the fine relates; and

819 (D) the date of the contribution.

820 (6) Within 30 days after receiving a contribution that is cash or a negotiable  
821 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall  
822 disburse the amount of the contribution to:

823 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
824 political subdivision's general fund; or

825 (b) an organization that is exempt from federal income taxation under Section  
826 501(c)(3), Internal Revenue Code.

827 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "account" means an account in a  
828 financial institution:

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

830 (ii) into which or from which a person who, as a candidate for an office, other than a  
831 legislative office for which the person files a declaration of candidacy or federal office, or as a  
832 holder of an office, other than a legislative office for which the person files a declaration of  
833 candidacy or federal office, deposits a contribution or makes an expenditure.

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

836 (i) a contribution deposited in an account:

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

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

839 (ii) an expenditure made from an account:

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

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

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

843 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**  
844 **report -- Officeholder as a political action committee officer -- Anonymous contribution**  
845 **or public service assistance.**

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

847 (b) An officeholder that is required to file a summary report both as an officeholder and  
848 as a candidate for office under the requirements of this chapter may file a single summary  
849 report as a candidate and an officeholder, provided that the combined report meets the  
850 requirements of:

851 (i) this section; and

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

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

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

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

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

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

863 (v) for each nonmonetary contribution:

864 (A) the fair market value of the contribution with that information provided by the

865 contributor; and

866 (B) a specific description of the contribution;

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

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

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

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

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

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

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

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

883 (4) An officeholder may:

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

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

888 (5) Within 30 days after receiving a contribution or public service assistance that is  
889 cash or a negotiable instrument, exceeds \$50, and is from an unknown source, an officeholder  
890 shall disburse the amount of the contribution or public service assistance to:

891 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
892 political subdivision's general fund; or

893 (b) an organization that is exempt from federal income taxation under Section  
894 501(c)(3), Internal Revenue Code.

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

896           **20A-11-505.7. Separate account for contributions for registered political party --**  
897 **Anonymous contributions to registered political party or county political party.**

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

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

902           (3) A registered political party or county political party may not expend a contribution  
903 for political purposes or a political issues expenditure if the contribution:

904           (a) is cash or a negotiable instrument;

905           (b) exceeds \$50; and

906           (c) is from an unknown source.

907           Section 8. Section **20A-11-602** is amended to read:

908           **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

915           (iii) seven days before the regular primary election date;

916           (iv) on August 31; and

917           (v) seven days before:

918           (A) the municipal general election; and

919           (B) the regular general election date.

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

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

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

926           (c) The registered political action committee need not file a statement under this

927 section if it received no contributions and made no expenditures during the reporting period.

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

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

931 (ii) the identification of any publicly identified class of individuals that makes a  
932 contribution to the reporting political action committee, if known, and the amount of the  
933 contribution;

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

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

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

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

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

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

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

946 (A) beginning balance;

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

948 (C) total contributions to date;

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

950 (E) total expenditures to date.

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

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

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

958 (4) (a) As used in this Subsection (4), "received" means:  
959 (i) for a cash contribution, that the cash is given to a political action committee;  
960 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
961 instrument or check is negotiated; and  
962 (iii) for any other type of contribution, that any portion of the contribution's benefit  
963 inures to the political action committee.

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

966 (5) A political action committee may not expend a contribution for political purposes if  
967 the contribution:

- 968 (a) is cash or a negotiable instrument;
- 969 (b) exceeds \$50; and
- 970 (c) is from an unknown source.

971 Section 9. Section **20A-11-802** is amended to read:

972 **20A-11-802. Political issues committees -- Financial reporting.**

973 (1) (a) Each registered political issues committee that has received political issues  
974 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least  
975 \$50, during a calendar year, shall file a verified financial statement with the lieutenant  
976 governor's office:

- 977 (i) on January 10, reporting contributions and expenditures as of December 31 of the  
978 previous year;
- 979 (ii) seven days before the state political convention of each major political party;
- 980 (iii) seven days before the regular primary election date;
- 981 (iv) seven days before the date of an incorporation election, if the political issues  
982 committee has received donations or made disbursements to affect an incorporation;
- 983 (v) at least three days before the first public hearing held as required by Section  
984 [20A-7-204.1](#);
- 985 (vi) if the political issues committee has received or expended funds in relation to an  
986 initiative or referendum, at the time the initiative or referendum sponsors submit:
  - 987 (A) the verified and certified initiative packets as required by Section [20A-7-206](#); or
  - 988 (B) the signed and verified referendum packets as required by Section [20A-7-306](#);



- 989 (vii) on August 31; and  
990 (viii) seven days before:  
991 (A) the municipal general election; and  
992 (B) the regular general election.  
993 (b) The political issues committee shall report:  
994 (i) a detailed listing of all contributions received and expenditures made since the last  
995 statement; and  
996 (ii) all contributions and expenditures as of five days before the required filing date of  
997 the financial statement, except for a financial statement filed on January 10.  
998 (c) The political issues committee need not file a statement under this section if it  
999 received no contributions and made no expenditures during the reporting period.  
1000 (2) (a) That statement shall include:  
1001 (i) the name and address, if known, of any individual that makes a political issues  
1002 contribution to the reporting political issues committee, and the amount of the political issues  
1003 contribution;  
1004 (ii) the identification of any publicly identified class of individuals that makes a  
1005 political issues contribution to the reporting political issues committee, and the amount of the  
1006 political issues contribution;  
1007 (iii) the name and address, if known, of any political issues committee, group, or entity  
1008 that makes a political issues contribution to the reporting political issues committee, and the  
1009 amount of the political issues contribution;  
1010 (iv) the name and address of each reporting entity that makes a political issues  
1011 contribution to the reporting political issues committee, and the amount of the political issues  
1012 contribution;  
1013 (v) for each nonmonetary contribution, the fair market value of the contribution;  
1014 (vi) except as provided in Subsection (2)(c), the name and address of each individual,  
1015 entity, or group of individuals or entities that received a political issues expenditure of more  
1016 than \$50 from the reporting political issues committee, and the amount of each political issues  
1017 expenditure;  
1018 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;  
1019 (viii) the total amount of political issues contributions received and political issues

1020 expenditures disbursed by the reporting political issues committee;

1021 (ix) a statement by the political issues committee's treasurer or chief financial officer

1022 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

1023 (x) a summary page in the form required by the lieutenant governor that identifies:

1024 (A) beginning balance;

1025 (B) total contributions during the period since the last statement;

1026 (C) total contributions to date;

1027 (D) total expenditures during the period since the last statement; and

1028 (E) total expenditures to date.

1029 (b) (i) Political issues contributions received by a political issues committee that have a

1030 value of \$50 or less need not be reported individually, but shall be listed on the report as an

1031 aggregate total.

1032 (ii) Two or more political issues contributions from the same source that have an

1033 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported

1034 separately.

1035 (c) When reporting political issue expenditures made to circulators of initiative

1036 petitions, the political issues committee:

1037 (i) need only report the amount paid to each initiative petition circulator; and

1038 (ii) need not report the name or address of the circulator.

1039 (3) (a) As used in this Subsection (3), "received" means:

1040 (i) for a cash contribution, that the cash is given to a political issues committee;

1041 (ii) for a contribution that is a negotiable instrument or check, that the negotiable

1042 instrument or check is negotiated; and

1043 (iii) for any other type of contribution, that any portion of the contribution's benefit

1044 inures to the political issues committee.

1045 (b) A political issues committee shall report each contribution to the lieutenant

1046 governor within 30 days after the contribution is received.

1047 (4) A political issues committee may not expend a contribution for a political issues

1048 expenditure if the contribution:

1049 (a) is cash or a negotiable instrument;

1050 (b) exceeds \$50; and

1051 (c) is from an unknown source.

1052 Section 10. Section **20A-11-904** is amended to read:

1053 **20A-11-904. Contribution given in another's name and anonymous contributions**  
 1054 **prohibited.**

1055 A person may not:

1056 (1) make a contribution in the name of another;

1057 (2) knowingly permit another to make a contribution in the person's name; [~~or~~]

1058 (3) knowingly accept a contribution made by one person in the name of another[-]; or

1059 (4) make a contribution without disclosing the person's name if the contribution:

1060 (a) is cash or a negotiable instrument; and

1061 (b) exceeds \$50.

1062 Section 11. Section **20A-11-1301** is amended to read:

1063 **20A-11-1301. School board office candidate -- Campaign finance requirements --**  
 1064 **Candidate as a political action committee officer -- No personal use -- Contribution**  
 1065 **reporting deadline -- Report other accounts -- Anonymous contributions.**

1066 (1) (a) (i) Each school board office candidate shall deposit each contribution and public  
 1067 service assistance received in one or more separate accounts in a financial institution that are  
 1068 dedicated only to that purpose.

1069 (ii) A school board office candidate may:

1070 (A) receive a contribution or public service assistance from a political action  
 1071 committee registered under Section [20A-11-601](#); and

1072 (B) be designated by a political action committee as an officer who has primary  
 1073 decision-making authority as described in Section [20A-11-601](#).

1074 (b) A school board office candidate may not use money deposited in an account  
 1075 described in Subsection (1)(a)(i) for:

1076 (i) a personal use expenditure; or

1077 (ii) an expenditure prohibited by law.

1078 (2) A school board office candidate may not deposit or mingle any contributions or  
 1079 public service assistance received into a personal or business account.

1080 (3) A school board office candidate may not make any political expenditures prohibited  
 1081 by law.

1082 (4) If a person who is no longer a school board candidate chooses not to expend the  
1083 money remaining in a campaign account, the person shall continue to file the year-end  
1084 summary report required by Section 20A-11-1302 until the statement of dissolution and final  
1085 summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

1086 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who  
1087 is no longer a school board candidate may not expend or transfer the money in a campaign  
1088 account in a manner that would cause the former school board candidate to recognize the  
1089 money as taxable income under federal tax law.

1090 (b) A person who is no longer a school board candidate may transfer the money in a  
1091 campaign account in a manner that would cause the former school board candidate to recognize  
1092 the money as taxable income under federal tax law if the transfer is made to a campaign  
1093 account for federal office.

1094 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1095 (i) for a cash contribution, that the cash is given to a school board office candidate or a  
1096 member of the candidate's personal campaign committee;

1097 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1098 instrument or check is negotiated; and

1099 (iii) for any other type of contribution, that any portion of the contribution's benefit  
1100 inures to the school board office candidate.

1101 (b) Each school board office candidate shall report to the chief election officer each  
1102 contribution and public service assistance received by the school board office candidate:

1103 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which  
1104 the contribution or public service assistance is received; or

1105 (ii) within three business days after the day on which the contribution or public service  
1106 assistance is received, if:

1107 (A) the school board office candidate is contested in a primary election and the  
1108 contribution or public service assistance is received within 30 days before the day on which the  
1109 primary election is held; or

1110 (B) the school board office candidate is contested in a general election and the  
1111 contribution or public service assistance is received within 30 days before the day on which the  
1112 general election is held.

1113 (c) Except as provided in Subsection (6)(d), for each contribution or provision of  
1114 public service assistance that a school board office candidate fails to report within the time  
1115 period described in Subsection (6)(b), the chief election officer shall impose a fine against the  
1116 school board office candidate in an amount equal to:

- 1117 (i) the greater of \$50 or 15% of the amount of the contribution; or
- 1118 (ii) the greater of \$50 or 15% of the value of the public service assistance.

1119 (d) A fine described in Subsection (6)(c) may not exceed the amount of the  
1120 contribution or the value of the public service assistance to which the fine relates.

1121 (e) The chief election officer shall:

- 1122 (i) deposit money received under Subsection (6)(c) into the General Fund; and
- 1123 (ii) report on the chief election officer's website, in the location where reports relating  
1124 to each school board office candidate are available for public access:

1125 (A) each fine imposed by the chief election officer against the school board office  
1126 candidate;

1127 (B) the amount of the fine;

1128 (C) the amount of the contribution to which the fine relates; and

1129 (D) the date of the contribution.

1130 (7) Within 30 days after receiving a contribution that is cash or a negotiable  
1131 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall  
1132 disburse the contribution to:

1133 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
1134 political subdivision's general fund; or

1135 (b) an organization that is exempt from federal income taxation under Section  
1136 501(c)(3), Internal Revenue Code.

1137 ~~[(7)]~~ (8) (a) As used in this Subsection ~~[(7)]~~ (8), "account" means an account in a  
1138 financial institution:

1139 (i) that is not described in Subsection (1)(a)(i); and

1140 (ii) into which or from which a person who, as a candidate for an office, other than a  
1141 school board office for which the person files a declaration of candidacy or federal office, or as  
1142 a holder of an office, other than a school board office for which the person files a declaration of  
1143 candidacy or federal office, deposits a contribution or makes an expenditure.

1144 (b) A school board office candidate shall include on any financial statement filed in  
1145 accordance with this part:

1146 (i) a contribution deposited in an account:

1147 (A) since the last campaign finance statement was filed; or

1148 (B) that has not been reported under a statute or ordinance that governs the account; or

1149 (ii) an expenditure made from an account:

1150 (A) since the last campaign finance statement was filed; or

1151 (B) that has not been reported under a statute or ordinance that governs the account.

1152 Section 12. Section **20A-12-301** is amended to read:

1153 **20A-12-301. Definitions.**

1154 As used in this part:

1155 (1) (a) "Contribution" means any of the following when done for political purposes:

1156 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
1157 value given to the judge or the judge's personal campaign committee;

1158 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
1159 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
1160 anything of value to the judge or the judge's personal campaign committee;

1161 (iii) any transfer of funds from another reporting entity or a corporation to the judge or  
1162 the judge's personal campaign committee;

1163 (iv) compensation paid by any person or reporting entity other than the judge or the  
1164 judge's personal campaign committee for personal services provided without charge to the  
1165 judge or the judge's personal campaign committee; and

1166 (v) goods or services provided to or for the benefit of the judge or the judge's personal  
1167 campaign committee at less than fair market value.

1168 (b) "Contribution" does not include:

1169 (i) services provided without compensation by individuals volunteering a portion or all  
1170 of their time on behalf of the judge or the judge's personal campaign committee; or

1171 (ii) money lent to the judge or the judge's personal campaign committee by a financial  
1172 institution in the ordinary course of business.

1173 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
1174 organization that is registered as a corporation or is authorized to do business in a state and

- 1175 makes any expenditure from corporate funds for political purposes.
- 1176 (b) "Corporation" does not mean:
- 1177 (i) a business organization's political action committee as defined in Section
- 1178 20A-11-101 or political issues committee as defined in Section 20A-11-101; or
- 1179 (ii) a business entity organized as a partnership or a sole proprietorship.
- 1180 (3) "Detailed listing" means:
- 1181 (a) for each contribution:
- 1182 (i) the name and address of the individual or source making the contribution, to the
- 1183 extent that the name or address of the individual or source is known;
- 1184 (ii) the amount or value of the contribution; and
- 1185 (iii) the date the contribution was made; and
- 1186 (b) for each expenditure:
- 1187 (i) the amount of the expenditure;
- 1188 (ii) the person or entity to whom it was disbursed;
- 1189 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 1190 (iv) the date the expenditure was made.
- 1191 (4) (a) "Expenditure" means:
- 1192 (i) any disbursement from contributions or from the separate bank account required by
- 1193 this chapter;
- 1194 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1195 or anything of value made for political purposes;
- 1196 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1197 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 1198 value for political purposes;
- 1199 (iv) compensation paid by a corporation or reporting entity for personal services
- 1200 rendered by a person without charge to the judge or the judge's personal campaign committee;
- 1201 (v) a transfer of funds between the judge's personal campaign committee and another
- 1202 judge's personal campaign committee; or
- 1203 (vi) goods or services provided by the judge's personal campaign committee to or for
- 1204 the benefit of another judge for political purposes at less than fair market value.
- 1205 (b) "Expenditure" does not include:

1206 (i) services provided without compensation by individuals volunteering a portion or all  
1207 of their time on behalf of the judge or judge's personal campaign committee; or

1208 (ii) money lent to a judge's personal campaign committee by a financial institution in  
1209 the ordinary course of business.

1210 (5) "Individual" means a natural person.

1211 (6) "Interim report" means a report identifying the contributions received and  
1212 expenditures made since the last report.

1213 (7) "Personal campaign committee" means the committee appointed by a judge to act  
1214 for the judge as provided in this chapter.

1215 (8) "Political purposes" means an act done with the intent or in a way to influence or  
1216 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
1217 against any judge standing for retention at any election.

1218 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,  
1219 a candidate's personal campaign committee, an officeholder, and a party committee, a political  
1220 action committee, and a political issues committee.

1221 (10) "Summary report" means the year-end report containing the summary of a  
1222 reporting entity's contributions and expenditures.

1223 Section 13. Section **20A-12-303** is amended to read:

1224 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1225 (1) The judge or the judge's personal campaign committee shall deposit each  
1226 contribution in one or more separate personal campaign accounts in a financial institution.

1227 (2) The judge or the judge's personal campaign committee may not deposit or mingle  
1228 any contributions received into a personal or business account.

1229 (3) (a) As used in this Subsection (3) and Section **20A-12-305**, "received" means:

1230 (i) for a cash contribution, that the cash is given to a judge or the judge's personal  
1231 campaign committee;

1232 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1233 instrument or check is negotiated; and

1234 (iii) for any other type of contribution, that any portion of the contribution's benefit  
1235 inures to the judge.

1236 (b) The judge or the judge's personal campaign committee shall report to the lieutenant



1237 governor each contribution received by the judge, within 30 days after the day on which the  
1238 contribution is received.

1239 (c) Except as provided in Subsection (3)(d), for each contribution that a judge fails to  
1240 report within the time period described in Subsection (3)(b), the lieutenant governor shall  
1241 impose a fine against the judge in an amount equal to the greater of \$50 or 15% of the amount  
1242 of the contribution.

1243 (d) A fine described in Subsection (3)(c) may not exceed the amount of the  
1244 contribution to which the fine relates.

1245 (e) The lieutenant governor shall:

1246 (i) deposit money received under Subsection (3)(c) into the General Fund; and

1247 (ii) report on the lieutenant governor's website, in the location where reports relating to  
1248 each judge are available for public access:

1249 (A) each fine imposed by the lieutenant governor against the judge;

1250 (B) the amount of the fine;

1251 (C) the amount of the contribution to which the fine relates; and

1252 (D) the date of the contribution.

1253 (4) Within 30 days after receiving a contribution that is cash or a negotiable  
1254 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal  
1255 campaign committee shall disburse the amount of the contribution to:

1256 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
1257 political subdivision's general fund; or

1258 (b) an organization that is exempt from federal income taxation under Section  
1259 501(c)(3), Internal Revenue Code.

---

---

**Legislative Review Note**  
**as of 12-30-14 11:05 AM**

**Office of Legislative Research and General Counsel**