

Representative Craig Hall proposes the following substitute bill:

1 **MODIFICATIONS TO ELECTION LAW**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Craig Hall**

5 Senate Sponsor: Todd Weiler

6

LONG TITLE

7 **General Description:**

8 This bill changes the date on which certain filing entities are required to submit certain
9 financial disclosures.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ changes the date on which certain filing entities are required to file a financial
13 disclosures report;
- 14 ▶ amends provisions relating to providing notice that a candidate on a ballot has been
15 disqualified; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 20A-11-204, as last amended by Laws of Utah 2013, Chapters 170 and 420

24 20A-11-206, as last amended by Laws of Utah 2013, Chapters 170, 252, 317, and 420



26 **20A-11-303**, as last amended by Laws of Utah 2013, Chapters 170 and 420
27 **20A-11-305**, as last amended by Laws of Utah 2013, Chapters 170, 252, 317, and 420
28 **20A-11-507**, as last amended by Laws of Utah 2010, Chapter 389
29 **20A-11-508**, as last amended by Laws of Utah 2013, Chapters 252 and 420
30 **20A-11-511**, as enacted by Laws of Utah 2011, Chapter 396
31 **20A-11-512**, as last amended by Laws of Utah 2013, Chapters 252 and 420
32 **20A-11-602**, as last amended by Laws of Utah 2013, Chapter 420
33 **20A-11-603**, as last amended by Laws of Utah 2013, Chapters 252 and 420
34 **20A-11-701**, as last amended by Laws of Utah 2013, Chapters 318 and 420
35 **20A-11-702**, as last amended by Laws of Utah 2013, Chapters 318 and 420
36 **20A-11-802**, as last amended by Laws of Utah 2013, Chapter 420
37 **20A-11-803**, as last amended by Laws of Utah 2013, Chapter 420
38 **20A-11-1303**, as last amended by Laws of Utah 2014, Chapter 337
39 **20A-11-1305**, as last amended by Laws of Utah 2014, Chapter 337
40 **20A-11-1502**, as enacted by Laws of Utah 2010, Chapter 389

41
42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **20A-11-204** is amended to read:

44 **20A-11-204. State office candidate and state office holder -- Financial reporting**
45 **requirements -- Interim reports.**

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

48 (b) Except as provided in Subsection (1)(c), each state office candidate shall file an
49 interim report at the following times in any year in which the candidate has filed a declaration
50 of candidacy for a public office:

51 (i) seven days before the candidate's political convention;
52 (ii) seven days before the regular primary election date;
53 (iii) [August 31] September 30; and
54 (iv) seven days before the regular general election date.

55 (c) If a state office candidate is a state office candidate seeking appointment for a
56 midterm vacancy, the state office candidate:

- 57 (i) shall file an interim report:
- 58 (A) no later than seven days before the day on which the political party of the party for
59 which the state office candidate seeks nomination meets to declare a nominee for the governor
60 to appoint in accordance with Section 20A-1-504; or
- 61 (B) if a state office candidate decides to seek the appointment with less than seven days
62 before the party meets, or the political party schedules the meeting to declare a nominee less
63 than seven days before the day of the meeting, no later than 5 p.m. on the last day of business
64 before the day on which the party meets; and
- 65 (ii) is not required to file an interim report at the times described in Subsection (1)(b).
- 66 (d) Each state office holder who has a campaign account that has not been dissolved
67 under Section 20A-11-205 shall, in an even year, file an interim report at the following times,
68 regardless of whether an election for the state office holder's office is held that year:
- 69 (i) seven days before the political convention for the political party of the state office
70 holder;
- 71 (ii) seven days before the regular primary election date;
- 72 (iii) [August 31] September 30; and
- 73 (iv) seven days before the regular general election date.
- 74 (2) Each interim report shall include the following information:
- 75 (a) the net balance of the last summary report, if any;
- 76 (b) a single figure equal to the total amount of receipts reported on all prior interim
77 reports, if any, during the calendar year in which the interim report is due;
- 78 (c) a single figure equal to the total amount of expenditures reported on all prior
79 interim reports, if any, filed during the calendar year in which the interim report is due;
- 80 (d) a detailed listing of each contribution and public service assistance received since
81 the last summary report that has not been reported in detail on a prior interim report;
- 82 (e) for each nonmonetary contribution:
- 83 (i) the fair market value of the contribution with that information provided by the
84 contributor; and
- 85 (ii) a specific description of the contribution;
- 86 (f) a detailed listing of each expenditure made since the last summary report that has
87 not been reported in detail on a prior interim report;

88 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
89 (h) a net balance for the year consisting of the net balance from the last summary
90 report, if any, plus all receipts since the last summary report minus all expenditures since the
91 last summary report;
92 (i) a summary page in the form required by the lieutenant governor that identifies:
93 (i) beginning balance;
94 (ii) total contributions during the period since the last statement;
95 (iii) total contributions to date;
96 (iv) total expenditures during the period since the last statement; and
97 (v) total expenditures to date; and
98 (j) the name of a political action committee for which the state office candidate or state
99 office holder is designated as an officer who has primary decision-making authority under
100 Section 20A-11-601.

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

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

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

107 (b) Any negotiable instrument or check received by a state office candidate or state
108 office holder more than five days before the required filing date of a report required by this
109 section shall be included in the interim report.

110 Section 2. Section 20A-11-206 is amended to read:

111 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

112 (1) (a) A state office candidate who fails to file a financial statement by the deadline is
113 subject to a fine imposed in accordance with Section 20A-11-1005.

114 (b) If a state office candidate fails to file an interim report [~~due before the regular~~
115 ~~primary election, on August 31, or before the regular general election~~] described in Subsections
116 20A-11-204(1)(b)(ii) through (iv), the lieutenant governor shall, after making a reasonable
117 attempt to discover if the report was timely filed, inform the county clerk and other appropriate
118 election officials that the state office candidate is disqualified.

119 (c) (i) The vacancy on the ballot resulting from the disqualification may be filled as
120 provided in Section 20A-1-501.

121 (ii) If a state office candidate is disqualified under Subsection (1)(a), the election
122 official shall:

123 (A) remove the candidate's name from the ballot; or

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

127 (iii) An election official may fulfill the requirement described in Subsection
128 (1)(c)(ii)(B) in relation to an absentee voter, including a military or overseas absentee voter, by
129 including with the absentee ballot a written notice directing the voter to a public website that
130 will inform the voter whether a candidate on the ballot is disqualified.

131 (d) Notwithstanding Subsections (1)(b) and (1)(c), a state office candidate is not
132 disqualified if:

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

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

138 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are
139 corrected in:

140 (A) an amended report; or

141 (B) the next scheduled report.

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

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

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

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

150 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
151 violation or receipt of a written complaint, notify the state office candidate of the violation or
152 written complaint and direct the state office candidate to file a summary report correcting the
153 problem.

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

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

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

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

163 Section 3. Section **20A-11-303** is amended to read:

164 **20A-11-303. Legislative office candidate and legislative office holder -- Financial
165 reporting requirements -- Interim reports.**

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

168 (b) Except as provided in Subsection (1)(d), each legislative office candidate shall file
169 an interim report at the following times in any year in which the candidate has filed a
170 declaration of candidacy for a public office:

171 (i) seven days before the candidate's political convention;

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

173 (iii) [August 31] September 30; and

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

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

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

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

182 (iii) [August 31] September 30; and

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

184 (d) If a legislative office candidate is a legislative office candidate seeking appointment
185 for a midterm vacancy, the legislative office candidate:

186 (i) shall file an interim report:

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

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

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

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

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

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

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

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

203 (e) for each nonmonetary contribution:

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

206 (ii) a specific description of the contribution;

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

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

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

212 last summary report;

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

214 (i) beginning balance;

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

216 (iii) total contributions to date;

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

218 (v) total expenditures to date; and

219 (j) the name of a political action committee for which the legislative office candidate or

220 legislative office holder is designated as an officer who has primary decision-making authority

221 under Section 20A-11-601.

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

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

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

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

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

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

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

229 legislative office holder more than five days before the required filing date of a report required

230 by this section shall be included in the interim report.

231 Section 4. Section 20A-11-305 is amended to read:

232 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

233 (1) (a) A legislative office candidate who fails to file a financial statement by the

234 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

235 (b) If a legislative office candidate fails to file an interim report [due before the regular

236 primary election, on August 31, or before the regular general election] described in Subsections

237 20A-11-303(1)(b)(ii) through (iv), the lieutenant governor shall, after making a reasonable

238 attempt to discover if the report was timely filed, inform the county clerk and other appropriate

239 election officials that the legislative office candidate is disqualified.

240 (c) (i) The vacancy on the ballot resulting from the disqualification may be filled as

241 provided in Section 20A-1-501.

242 (ii) If a legislative office candidate is disqualified under Subsection (1)(a), the election

243 officer shall:

244 (A) remove the candidate's name from the ballot; or

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

248 (d) Notwithstanding Subsections (1)(b) and (1)(c), a legislative office candidate is not
249 disqualified if:

250 (i) the candidate timely files the reports required by this section no later than the due
251 date in accordance with Section [20A-11-103](#);

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

255 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are
256 corrected in:

257 (A) an amended report; or

258 (B) the next scheduled report.

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

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

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

264 (b) If it appears that any legislative office candidate has failed to file the summary
265 report required by law, if it appears that a filed summary report does not conform to the law, or
266 if the lieutenant governor has received a written complaint alleging a violation of the law or the
267 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
268 violation or receipt of a written complaint, notify the legislative office candidate of the
269 violation or written complaint and direct the legislative office candidate to file a summary
270 report correcting the problem.

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

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

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

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

281 Section 5. Section **20A-11-507** is amended to read:

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

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

- 284 (a) seven days before the registered political party's political convention;
- 285 (b) seven days before the regular primary election date;
- 286 (c) ~~August 31~~ September 30; and
- 287 (d) seven days before the general election date.

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

- 289 (a) the net balance of the last financial statement, if any;
- 290 (b) a single figure equal to the total amount of receipts reported on all prior interim
291 reports, if any, during the calendar year in which the interim report is due;

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

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

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

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

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

300 (h) a net balance for the year consisting of the net balance from the last summary
301 report, if any, plus all receipts since the last summary report minus all expenditures since the
302 last summary report; and

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

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

313 more than \$50 may not be reported in the aggregate, but shall be reported separately.
314 (4) Item 13, which is generally intended to apply to all 111

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

316 Section 6. Section **20A-11-508** is amended to read:

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

(1) (a) Each registered political party that fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

320 (b) Each registered political party that fails to file [the interim reports due before the
321 regular primary election, on August 31, or before the regular general election] an interim report
322 described in Subsections 20A-11-507(1)(b) through (d) is guilty of a class B misdemeanor.

323 (c) The lieutenant governor shall report all violations of Subsection (1)(b) to the
324 attorney general.

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

(a) each political party that is required to file a report has filed one; and
(b) each report contains the information required by this part.

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

335 (4) (a) It is unlawful for any political party to fail to file or amend a summary report

336 within seven days after receiving notice from the lieutenant governor under this section.

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

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

341 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
342 governor shall impose a civil fine of \$1,000 against a political party that violates Subsection
343 (4)(a).

344 Section 7. Section **20A-11-511** is amended to read:

345 **20A-11-511. County political party financial reporting requirements -- Interim
346 reports.**

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

- 351 (i) seven days before the county political party's convention;
352 (ii) seven days before the regular primary election date;
353 (iii) [August 31] September 30; and
354 (iv) seven days before the general election date.

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

- 357 (2) Each interim report shall include the following information:
358 (a) the net balance of the last financial statement, if any;
359 (b) a single figure equal to the total amount of receipts reported on all prior interim
360 reports, if any, during the calendar year in which the interim report is due;
361 (c) a single figure equal to the total amount of expenditures reported on all prior
362 interim reports, if any, filed during the calendar year in which the interim report is due;
363 (d) a detailed listing of each contribution and public service assistance received since
364 the last summary report that has not been reported in detail on a prior interim report;
365 (e) for each nonmonetary contribution, the fair market value of the contribution;
366 (f) a detailed listing of each expenditure made since the last summary report that has

367 not been reported in detail on a prior interim report;
368 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
369 (h) a net balance for the year consisting of the net balance from the last summary
370 report, if any, plus all receipts since the last summary report minus all expenditures since the
371 last summary report; and

372 (i) a summary page in the form required by the lieutenant governor that identifies:
373 (i) beginning balance;
374 (ii) total contributions during the period since the last statement;
375 (iii) total contributions to date;
376 (iv) total expenditures during the period since the last statement; and
377 (v) total expenditures to date.

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

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

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

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

385 **20A-11-512. County political party -- Criminal penalties -- Fines.**

386 (1) (a) A county political party that fails to file an interim report that is due seven days
387 before the county political party's convention is subject to a fine imposed in accordance with
388 Section **20A-11-1005**.

389 (b) A county political party that fails to file [~~the interim report due before the regular~~
390 ~~primary election, on August 31, or before the regular general election~~] an interim report
391 described in Subsections **20A-11-511(1)(a)(ii)** through **(iv)** is subject to a fine of \$1,000, which
392 the chief election officer shall deposit in the General Fund.

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

396 (a) a county political party officer who is required to file a statement has filed one; and
397 (b) each statement contains the information required by Section **20A-11-510**.

398 (3) If it appears that any county political party officer has failed to file a financial
399 statement, if it appears that a filed financial statement does not conform to the law, or if the
400 lieutenant governor has received a written complaint alleging a violation of the law or the
401 falsity of any financial statement, the lieutenant governor shall, within five days of discovery of
402 a violation or receipt of a written complaint, notify the county political party officer of the
403 violation or written complaint and direct the county political party officer to file a financial
404 statement correcting the problem.

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

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

409 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

417 (iv) on [August 31] September 30; and

418 (v) seven days before:

419 (A) the municipal general election; and

420 (B) the regular general election date.

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

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

424 (ii) for [~~financial statements filed under~~] a financial statement described in Subsections

425 (1)(a)(ii) through (iv), all contributions and expenditures as of five days before the required
426 filing date of the financial statement.

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

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

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

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

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

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

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

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

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

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

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

445 (A) beginning balance;

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

447 (C) total contributions to date;

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

449 (E) total expenditures to date.

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

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

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

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

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

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

460 instrument or check is negotiated; and
461 (iii) for any other type of contribution, that any portion of the contribution's benefit
462 inures to the political action committee.

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

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

466 **20A-11-603. Criminal penalties -- Fines.**

467 (1) (a) Each political action committee that fails to file a financial statement by the
468 deadline is subject to a fine imposed in accordance with Section **20A-11-1005**.

469 (b) Each political action committee that fails to file [~~the~~] a financial statement [~~due~~
470 ~~before the regular primary election, on August 31, before the municipal general election, or~~
471 ~~before the regular general election~~] described in Subsections **20A-11-602(1)(a)(iii)** through **(v)**
472 is guilty of a class B misdemeanor.

473 (c) The lieutenant governor shall report all violations of Subsection (1)(b) to the
474 attorney general.

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

477 (a) each political action committee that is required to file a statement has filed one; and
478 (b) each statement contains the information required by this part.

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

485 (4) (a) It is unlawful for any political action committee to fail to file or amend a
486 statement within seven days after receiving notice from the lieutenant governor under this
487 section.

488 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B
489 misdemeanor.

490 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the

491 attorney general.

492 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
493 governor shall impose a civil fine of \$1,000 against a political action committee that violates
494 Subsection (4)(a).

495 Section 11. Section **20A-11-701** is amended to read:

496 **20A-11-701. Campaign financial reporting by corporations -- Filing requirements**
497 **-- Statement contents -- Donor reporting and notification required.**

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

- 501 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 502 (ii) seven days before the state political convention for each major political party;
- 503 (iii) seven days before the regular primary election date;
- 504 (iv) on [August 31] September 30; and
- 505 (v) seven days before the regular general election date.

506 (b) The corporation shall report:

- 507 (i) a detailed listing of all expenditures made since the last financial statement;
- 508 (ii) for [~~financial statements filed under~~] a financial statement described in Subsections
509 (1)(a)(ii) through (v), all expenditures as of five days before the required filing date of the
510 financial statement; and

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

513 (A) has bid since the last financial statement on a contract, as defined in Section
514 **63G-6a-103**, in excess of \$100,000;

515 (B) is currently bidding on a contract, as defined in Section **63G-6a-103**, in excess of
516 \$100,000; or

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

518 (c) The corporation need not file a financial statement under this section if the
519 corporation made no expenditures during the reporting period.

520 (2) The financial statement shall include:

521 (a) the name and address of each reporting entity that received an expenditure from the

522 corporation, and the amount of each expenditure;

523 (b) the total amount of expenditures disbursed by the corporation:

524 (i) since the last financial statement; and

525 (ii) during the calendar year;

526 (c) (i) a statement that the corporation did not receive any money from any donor

527 during the calendar year or the previous calendar year that the corporation has not reported in a

528 previous financial statement; or

529 (ii) a report, described in Subsection (3), of the money received from donors during the

530 calendar year or the previous calendar year that the corporation has not reported in a previous

531 financial statement; and

532 (d) a statement by the corporation's treasurer or chief financial officer certifying the

533 accuracy of the financial statement.

534 (3) (a) The report required by Subsection (2)(c)(ii) shall include:

535 (i) the name and address of each donor;

536 (ii) the amount of the money received by the corporation from each donor; and

537 (iii) the date on which the corporation received the money.

538 (b) A corporation shall report money received from donors in the following order:

539 (i) first, beginning with the least recent date on which the corporation received money

540 that the corporation has not reported in a previous financial statement, the money received from

541 a donor that:

542 (A) requests that the corporation use the money to make an expenditure;

543 (B) gives the money to the corporation in response to a solicitation indicating the

544 corporation's intent to make an expenditure; or

545 (C) knows that the corporation may use the money to make an expenditure; and

546 (ii) second, divide the difference between the total amount of expenditures made since

547 the last financial statement and the total amount of money reported under Subsection (3)(b)(i)

548 on a proration basis between all donors that:

549 (A) are not described in Subsection (3)(b)(i);

550 (B) gave at least \$50 during the calendar year or previous calendar year; and

551 (C) have not been reported in a previous financial statement.

552 (c) If the amount reported under Subsection (3)(b) is less than the total amount of

553 expenditures made since the last financial statement, the financial statement shall contain a
554 statement that the corporation has reported all donors that gave money, and all money received
555 by donors, during the calendar year or previous calendar year that the corporation has not
556 reported in a previous financial statement.

557 (d) The corporation shall indicate on the financial statement that the amount attributed
558 to each donor under Subsection (3)(b)(ii) is only an estimate.

559 (e) (i) For all individual donations of \$50 or less, the corporation may report a single
560 aggregate figure without separate detailed listings.

561 (ii) The corporation:

562 (A) may not report in the aggregate two or more donations from the same source that
563 have an aggregate total of more than \$50; and

564 (B) shall separately report donations described in Subsection (3)(e)(ii)(A).

565 (4) If a corporation makes expenditures that total at least \$750 during a calendar year,
566 the corporation shall notify a person giving money to the corporation that:

567 (a) the corporation may use the money to make an expenditure; and

568 (b) the person's name and address may be disclosed on the corporation's financial
569 statement.

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

**571 20A-11-702. Campaign financial reporting of political issues expenditures by
572 corporations -- Financial reporting -- Donor reporting and notification required.**

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

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

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

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

579 (iv) on [August 31] September 30; and

580 (v) seven days before the regular general election date.

581 (b) The corporation shall report:

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

583 (ii) for [financial statements under] a financial statement described in Subsections

584 (1)(a)(ii) through (v), expenditures as of five days before the required filing date of the
585 financial statement.

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

588 (2) That statement shall include:

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

592 (b) the total amount of political issues expenditures disbursed by the corporation:

593 (i) since the last financial statement; and

594 (ii) during the calendar year;

595 (c) (i) a statement that the corporation did not receive any money from any donor
596 during the calendar year or the previous calendar year that the corporation has not reported in a
597 previous financial statement; or

598 (ii) a report, described in Subsection (3), of the money received from donors during the
599 calendar year or the previous calendar year that the corporation has not reported in a previous
600 financial statement; and

601 (d) a statement by the corporation's treasurer or chief financial officer certifying the
602 accuracy of the verified financial statement.

603 (3) (a) The report required by Subsection (2)(c)(ii) shall include:

604 (i) the name and address of each donor;

605 (ii) the amount of the money received by the corporation from each donor; and

606 (iii) the date on which the corporation received the money.

607 (b) A corporation shall report money received from donors in the following order:

608 (i) first, beginning with the least recent date on which the corporation received money
609 that has not been reported in a previous financial statement, the money received from a donor
610 that:

611 (A) requests that the corporation use the money to make a political issues expenditure;

612 (B) gives the money to the corporation in response to a solicitation indicating the
613 corporation's intent to make a political issues expenditure; or

614 (C) knows that the corporation may use the money to make a political issues

615 expenditure; and

616 (ii) second, divide the difference between the total amount of political issues
617 expenditures made since the last financial statement and the total amount of money reported
618 under Subsection (3)(b)(i) on a proration basis between all donors that:

619 (A) are not described in Subsection (3)(b)(i);

620 (B) gave at least \$50 during the calendar year or previous calendar year; and

621 (C) have not been reported in a previous financial statement.

622 (c) If the amount reported under Subsection (3)(b) is less than the total amount of
623 political issues expenditures made since the last financial statement, the financial statement
624 shall contain a statement that the corporation has reported all donors that gave money, and all
625 money received by donors, during the calendar year or previous calendar year that the
626 corporation has not reported in a previous financial statement.

627 (d) The corporation shall indicate on the financial statement that the amount attributed
628 to each donor under Subsection (3)(b)(ii) is only an estimate.

629 (e) (i) For all individual donations of \$50 or less, the corporation may report a single
630 aggregate figure without separate detailed listings.

631 (ii) The corporation:

632 (A) may not report in the aggregate two or more donations from the same source that
633 have an aggregate total of more than \$50; and

634 (B) shall separately report donations described in Subsection (3)(e)(ii)(A).

635 (4) If a corporation makes political issues expenditures that total at least \$750 during a
636 calendar year, the corporation shall notify a person giving money to the corporation that:

637 (a) the corporation may use the money to make a political issues expenditure; and

638 (b) the person's name and address may be disclosed on the corporation's financial
639 statement.

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

641 **20A-11-802. Political issues committees -- Financial reporting.**

642 (1) (a) Each registered political issues committee that has received political issues
643 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
644 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
645 governor's office:

- 646 (i) on January 10, reporting contributions and expenditures as of December 31 of the
647 previous year;
- 648 (ii) seven days before the state political convention of each major political party;
- 649 (iii) seven days before the regular primary election date;
- 650 (iv) seven days before the date of an incorporation election, if the political issues
651 committee has received donations or made disbursements to affect an incorporation;
- 652 (v) at least three days before the first public hearing held as required by Section
653 [20A-7-204.1](#);
- 654 (vi) if the political issues committee has received or expended funds in relation to an
655 initiative or referendum, at the time the initiative or referendum sponsors submit:
- 656 (A) the verified and certified initiative packets as required by Section [20A-7-206](#); or
- 657 (B) the signed and verified referendum packets as required by Section [20A-7-306](#);
- 658 (vii) on [August 31] September 30; and
- 659 (viii) seven days before:
- 660 (A) the municipal general election; and
- 661 (B) the regular general election.
- 662 (b) The political issues committee shall report:
- 663 (i) a detailed listing of all contributions received and expenditures made since the last
664 statement; and
- 665 (ii) all contributions and expenditures as of five days before the required filing date of
666 the financial statement, except for a financial statement filed on January 10.
- 667 (c) The political issues committee need not file a statement under this section if it
668 received no contributions and made no expenditures during the reporting period.
- 669 (2) (a) That statement shall include:
- 670 (i) the name and address of any individual that makes a political issues contribution to
671 the reporting political issues committee, and the amount of the political issues contribution;
- 672 (ii) the identification of any publicly identified class of individuals that makes a
673 political issues contribution to the reporting political issues committee, and the amount of the
674 political issues contribution;
- 675 (iii) the name and address of any political issues committee, group, or entity that makes
676 a political issues contribution to the reporting political issues committee, and the amount of the

677 political issues contribution;

678 (iv) the name and address of each reporting entity that makes a political issues

679 contribution to the reporting political issues committee, and the amount of the political issues

680 contribution;

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

682 (vi) except as provided in Subsection (2)(c), the name and address of each individual,

683 entity, or group of individuals or entities that received a political issues expenditure of more

684 than \$50 from the reporting political issues committee, and the amount of each political issues

685 expenditure;

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

687 (viii) the total amount of political issues contributions received and political issues

688 expenditures disbursed by the reporting political issues committee;

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

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

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

692 (A) beginning balance;

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

694 (C) total contributions to date;

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

696 (E) total expenditures to date.

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

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

699 aggregate total.

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

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

702 separately.

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

704 petitions, the political issues committee:

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

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

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

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

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

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

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

715 Section 14. Section **20A-11-803** is amended to read:

716 **20A-11-803. Criminal penalties.**

717 (1) (a) Each political issues committee that fails to file [the] a financial statement [~~due~~
718 ~~August 31, before the municipal general election, or before the regular general election~~] described in Subsection **20A-11-802**(1)(a)(vii) or (viii) is guilty of a class B misdemeanor.

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

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

724 (a) each political issues committee that is required to file a statement has filed one; and
725 (b) each statement contains the information required by this part.

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

732 (4) (a) It is unlawful for any political issues committee to fail to file or amend a
733 statement within seven days after receiving notice from the lieutenant governor under this
734 section.

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

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

739 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
740 governor shall impose a civil fine of \$1,000 against a political issues committee that violates
741 Subsection (4)(a).

742 Section 15. Section **20A-11-1303** is amended to read:

743 **20A-11-1303. School board office candidate and school board office holder --**

744 **Financial reporting requirements -- Interim reports.**

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

747 (b) Each school board office candidate shall file an interim report at the following
748 times in any year in which the candidate has filed a declaration of candidacy for a public office:

- 749 (i) May 15;
750 (ii) seven days before the regular primary election date;
751 (iii) ~~August 31~~ September 30; and
752 (iv) seven days before the regular general election date.

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

- 757 (i) May 15;
758 (ii) seven days before the regular primary election date for that year;
759 (iii) ~~August 31~~ September 30; and
760 (iv) seven days before the regular general election date.

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

762 (a) the net balance of the last summary report, if any;
763 (b) a single figure equal to the total amount of receipts reported on all prior interim
764 reports, if any, during the calendar year in which the interim report is due;

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

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

769 (e) for each nonmonetary contribution:

772 (ii) a specific description of the contribution;

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

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

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

777 report, if any, plus all receipts since the last summary report minus all expenditures since the
778 last summary report;

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

780 (i) beginning balance;

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

782 (iii) total contributions to date;

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

784 (v) total expenditures to date; and

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

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

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

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

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

797 Section 16. Section **20A-11-1305** is amended to read:

798 20A-11-1305. School board office candidate -- Failure to file statement --

799 **Penalties.**

800 (1) (a) A school board office candidate who fails to file a financial statement by the

801 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

802 (b) If a school board office candidate fails to file an interim report [due before the
803 regular primary election, on August 31, or before the regular general election] described in
804 Subsections 20A-11-1303(1)(b)(ii) through (iv), the chief election officer shall, after making a
805 reasonable attempt to discover if the report was timely filed, inform the county clerk and other
806 appropriate election officials who:

807 (i) (A) shall, if practicable, remove the name of the candidate from the ballots before
808 the ballots are delivered to voters; or

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

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

813 (c) Any school board office candidate who fails to file timely a financial statement
814 required by Subsection 20A-11-1303(1)(b)(ii), (iii), or (iv) is disqualified.

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

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

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

822 (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are
823 corrected in:

824 (A) an amended report; or

825 (B) the next scheduled report.

826 (2) (a) Within 30 days after a deadline for the filing of a summary report by a school
827 board office candidate, the lieutenant governor shall review each filed summary report to
828 ensure that:

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

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

832 (b) If it appears that a school board candidate has failed to file the summary report
833 required by law, if it appears that a filed summary report does not conform to the law, or if the
834 lieutenant governor has received a written complaint alleging a violation of the law or the
835 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
836 violation or receipt of a written complaint, notify the school board candidate of the violation or
837 written complaint and direct the school board candidate to file a summary report correcting the
838 problem.

839 (c) (i) It is unlawful for a school board candidate to fail to file or amend a summary
840 report within seven days after receiving notice from the lieutenant governor under this section.

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

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

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

848 Section 17. Section **20A-11-1502** is amended to read:

849 **20A-11-1502. Campaign financial reporting of contributions -- Filing
850 requirements -- Statement contents.**

851 (1) (a) Each labor organization that has made expenditures for political purposes or
852 political issues expenditures on current or proposed ballot issues that total at least \$750 during
853 a calendar year shall file a verified financial statement with the lieutenant governor's office:

- 854 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 855 (ii) seven days before the regular primary election date;
- 856 (iii) on [August 31] September 30; and
- 857 (iv) seven days before the regular general election date.

858 (b) The labor organization shall report:

- 859 (i) a detailed listing of all expenditures made since the last statement; and
- 860 (ii) for [~~financial statements filed under~~] a financial statement described in Subsections
861 (1)(a)(ii) through (iv), all expenditures as of five days before the required filing date of the
862 financial statement.

863 (c) The labor organization need not file a financial statement under this section if the
864 labor organization:

865 (i) made no expenditures during the reporting period; or

866 (ii) reports its expenditures during the reporting period under another part of this
867 chapter.

868 (2) The financial statement shall include:

869 (a) the name and address of each reporting entity that received an expenditure or
870 political issues expenditure of more than \$50 from the labor organization, and the amount of
871 each expenditure or political issues expenditure;

872 (b) the total amount of expenditures disbursed by the labor organization; and

873 (c) a statement by the labor organization's treasurer or chief financial officer certifying
874 the accuracy of the financial statement.