

Representative Robert M. Spendlove proposes the following substitute bill:

CAMPAIGN FINANCE REFORM AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill removes provisions related to the aggregate reporting of campaign contributions.

Highlighted Provisions:

This bill:

- ▶ removes provisions that allow a candidate or officeholder to report the aggregate value of all individual contributions the candidate or officeholder receives that are worth \$50 or less.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-208, as last amended by Laws of Utah 2015, Chapters 21 and 247

17-16-6.5, as last amended by Laws of Utah 2015, Chapter 21

20A-11-203, as last amended by Laws of Utah 2011, Chapter 347

20A-11-204, as last amended by Laws of Utah 2015, Chapter 204



- 26 **20A-11-302**, as last amended by Laws of Utah 2011, Chapter 347
- 27 **20A-11-303**, as last amended by Laws of Utah 2015, Chapter 204
- 28 **20A-11-401**, as last amended by Laws of Utah 2015, Chapter 21
- 29 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347
- 30 **20A-11-1303**, as last amended by Laws of Utah 2015, Chapter 204



31
32 *Be it enacted by the Legislature of the state of Utah:*

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

34 **10-3-208. Campaign finance disclosure in municipal election.**

35 (1) Unless a municipality adopts by ordinance more stringent definitions, the following
36 are defined terms for purposes of this section:

37 (a) "Agent of a candidate" means:

38 (i) a person acting on behalf of a candidate at the direction of the reporting entity;

39 (ii) a person employed by a candidate in the candidate's capacity as a candidate;

40 (iii) the personal campaign committee of a candidate;

41 (iv) a member of the personal campaign committee of a candidate in the member's
42 capacity as a member of the personal campaign committee of the candidate; or

43 (v) a political consultant of a candidate.

44 (b) "Anonymous contribution limit" means for each calendar year:

45 (i) \$50; or

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

47 [~~(b)~~] (c) (i) "Candidate" means a person who:

48 (A) files a declaration of candidacy for municipal office; or

49 (B) receives contributions, makes expenditures, or gives consent for any other person
50 to receive contributions or make expenditures to bring about the person's nomination or
51 election to a municipal office.

52 (ii) "Candidate" does not mean a person who files for the office of judge.

53 [~~(c)~~] (d) (i) "Contribution" means any of the following when done for political
54 purposes:

55 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of
56 value given to a candidate;

57 (B) an express, legally enforceable contract, promise, or agreement to make a gift,
58 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
59 anything of value to the candidate;

60 (C) any transfer of funds from another reporting entity to the candidate;

61 (D) compensation paid by any person or reporting entity other than the candidate for
62 personal services provided without charge to the candidate;

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

64 (F) an in-kind contribution.

65 (ii) "Contribution" does not include:

66 (A) services provided by an individual volunteering a portion or all of the individual's
67 time on behalf of the candidate if the services are provided without compensation by the
68 candidate or any other person;

69 (B) money lent to the candidate by a financial institution in the ordinary course of
70 business; or

71 (C) goods or services provided for the benefit of a candidate at less than fair market
72 value that are not authorized by or coordinated with the candidate.

73 ~~[(d)]~~ (e) "Coordinated with" means that goods or services provided for the benefit of a
74 candidate are provided:

75 (i) with the candidate's prior knowledge, if the candidate does not object;

76 (ii) by agreement with the candidate;

77 (iii) in coordination with the candidate; or

78 (iv) using official logos, slogans, and similar elements belonging to a candidate.

79 ~~[(e)]~~ (f) (i) "Expenditure" means any of the following made by a candidate or an agent
80 of the candidate on behalf of the candidate:

81 (A) any disbursement from contributions, receipts, or from an account described in
82 Subsection (3)(a)(i);

83 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
84 or anything of value made for political purposes;

85 (C) an express, legally enforceable contract, promise, or agreement to make any
86 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
87 value for a political purpose;

88 (D) compensation paid by a candidate for personal services rendered by a person
89 without charge to a reporting entity;

90 (E) a transfer of funds between the candidate and a candidate's personal campaign
91 committee as defined in Section 20A-11-101; or

92 (F) goods or services provided by a reporting entity to or for the benefit of the
93 candidate for political purposes at less than fair market value.

94 (ii) "Expenditure" does not include:

95 (A) services provided without compensation by an individual volunteering a portion or
96 all of the individual's time on behalf of a candidate; or

97 (B) money lent to a candidate by a financial institution in the ordinary course of
98 business.

99 ~~(f)~~ (g) "In-kind contribution" means anything of value other than money, that is
100 accepted by or coordinated with a candidate.

101 ~~(g)~~ (h) (i) "Political consultant" means a person who is paid by a candidate, or paid by
102 another person on behalf of and with the knowledge of the candidate, to provide political
103 advice to the candidate.

104 (ii) "Political consultant" includes a circumstance described in Subsection
105 (1)~~(g)~~(h)(i), where the person:

106 (A) has already been paid, with money or other consideration;

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

108 (C) understands that the person may, in the discretion of the candidate or another
109 person on behalf of and with the knowledge of the candidate, be paid in the future, with money
110 or other consideration.

111 ~~(h)~~ (i) "Political purposes" means an act done with the intent or in a way to influence
112 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
113 against any candidate or a person seeking a municipal office at any caucus, political
114 convention, or election.

115 ~~(i)~~ (j) "Reporting entity" means:

116 (i) a candidate;

117 (ii) a committee appointed by a candidate to act for the candidate;

118 (iii) a person who holds an elected municipal office;

- 119 (iv) a party committee as defined in Section 20A-11-101;
- 120 (v) a political action committee as defined in Section 20A-11-101;
- 121 (vi) a political issues committee as defined in Section 20A-11-101;
- 122 (vii) a corporation as defined in Section 20A-11-101; or
- 123 (viii) a labor organization as defined in Section 20A-11-1501.
- 124 ~~[(j) "Reporting limit" means for each calendar year:]~~
- 125 ~~[(i) \$50; or]~~
- 126 ~~[(ii) an amount lower than \$50 that is specified in an ordinance of the municipality.]~~
- 127 (2) (a) A municipality may adopt an ordinance establishing campaign finance
- 128 disclosure requirements for a candidate that are more stringent than the requirements provided
- 129 in Subsections (3) and (4).
- 130 (b) The municipality may adopt definitions that are more stringent than those provided
- 131 in Subsection (1).
- 132 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described
- 133 in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained
- 134 in Subsections (3) and (4).
- 135 (3) (a) Each candidate:
- 136 (i) shall deposit a contribution in a separate campaign account in a financial institution;
- 137 and
- 138 (ii) may not deposit or mingle any campaign contributions received into a personal or
- 139 business account.
- 140 (b) Each candidate who is not eliminated at a municipal primary election shall file with
- 141 the municipal clerk or recorder a campaign finance statement:
- 142 (i) no later than seven days before the day on which the municipal general election is
- 143 held; and
- 144 (ii) no later than 30 days after the day on which the municipal general election is held.
- 145 (c) Each candidate for municipal office who is eliminated at a municipal primary
- 146 election shall file with the municipal clerk or recorder a campaign finance statement 30 days
- 147 after the day on which the municipal primary election is held.
- 148 (4) Each campaign finance statement under Subsection (3)(b) or (c) shall:
- 149 (a) except as provided in Subsection (4)(b):

- 150 (i) report all of the candidate's itemized and total:
- 151 (A) contributions, including in-kind and other nonmonetary contributions, received up
- 152 to and including five days before the campaign finance statement is due, excluding a
- 153 contribution previously reported; and
- 154 (B) expenditures made up to and including five days before the campaign finance
- 155 statement is due, excluding an expenditure previously reported; and
- 156 (ii) identify:
- 157 (A) for each contribution [~~that exceeds the reporting limit~~], the amount of the
- 158 contribution and the name of the donor, if known; and
- 159 [~~(B) the aggregate total of all contributions that individually do not exceed the~~
- 160 ~~reporting limit; and]~~
- 161 [~~(C)~~ (B) for each expenditure, the amount of the expenditure and the name of the
- 162 recipient of the expenditure; or
- 163 (b) report the total amount of all contributions and expenditures if the candidate
- 164 receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- 165 (c) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
- 166 exceeds the [~~reporting~~] anonymous contribution limit, and is from a donor whose name is
- 167 unknown, a candidate shall disburse the amount of the contribution to:
- 168 (i) the treasurer of the state or a political subdivision for deposit into the state's or
- 169 political subdivision's general fund; or
- 170 (ii) an organization that is exempt from federal income taxation under Section
- 171 501(c)(3), Internal Revenue Code.
- 172 (5) (a) A municipality may, by ordinance:
- 173 (i) provide [~~a reporting~~] an anonymous contribution limit [~~lower~~] less than \$50;
- 174 (ii) require greater disclosure of contributions or expenditures than is required in this
- 175 section; and
- 176 (iii) impose additional penalties on candidates who fail to comply with the applicable
- 177 requirements beyond those imposed by this section.
- 178 (b) A candidate is subject to the provisions of this section and not the provisions of an
- 179 ordinance adopted by the municipality under Subsection (5)(a) if:
- 180 (i) the municipal ordinance establishes requirements or penalties that differ from those

181 established in this section; and

182 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
183 ordinance as required in Subsection (6).

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

187 (a) the provisions of statute or municipal ordinance governing the disclosure of
188 contributions and expenditures;

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

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

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

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

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

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

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

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

207 (8) (a) If a candidate fails to file a campaign finance statement before the municipal
208 general election by the deadline specified in Subsection (3)(b)(i), the municipal clerk or
209 recorder shall inform the appropriate election official who:

210 (i) shall:

211 (A) if practicable, remove the candidate's name from the ballot by blacking out the

212 candidate's name before the ballots are delivered to voters; or

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

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

217 (b) Notwithstanding Subsection (8)(a), a candidate who files a campaign finance
218 statement seven days before a municipal general election is not disqualified if:

219 (i) the statement details accurately and completely the information required under
220 Subsection (4), except for inadvertent omissions or insignificant errors or inaccuracies; and

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

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

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

227 (b) In a civil action under Subsection (10)(a), the court may award costs and attorney
228 fees to the prevailing party.

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

230 **17-16-6.5. Campaign financial disclosure in county elections.**

231 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure
232 requirements for:

233 (i) candidates for county office; and

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

235 (b) The ordinance required by Subsection (1)(a) shall include:

236 (i) a requirement that each candidate for county office or local school board office
237 report the candidate's itemized and total campaign contributions and expenditures at least once
238 within the two weeks before the election and at least once within two months after the election;

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

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

242 (A) for each contribution [~~of more than \$50~~], the name of the donor of the

243 contribution, if known, and the amount of the contribution; and

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

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

246 deposit a contribution in a separate campaign account in a financial institution;

247 (v) a prohibition against a candidate for county office or local school board office

248 depositing or mingling any contributions received into a personal or business account; and

249 (vi) a requirement that a candidate for county office who receives a contribution that is

250 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,

251 shall, within 30 days after receiving the contribution, disburse the amount of the contribution

252 to:

253 (A) the treasurer of the state or a political subdivision for deposit into the state's or

254 political subdivision's general fund; or

255 (B) an organization that is exempt from federal income taxation under Section

256 501(c)(3), Internal Revenue Code.

257 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial

258 institution:

259 (A) that is not described in Subsection (1)(b)(iv); and

260 (B) into which or from which a person who, as a candidate for an office, other than a

261 county office for which the person files a declaration of candidacy or federal office, or as a

262 holder of an office, other than a county office for which the person files a declaration of

263 candidacy or federal office, deposits a contribution or makes an expenditure.

264 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a

265 candidate for county office or local school board office include on a financial report filed in

266 accordance with the ordinance a contribution deposited in or an expenditure made from an

267 account:

268 (A) since the last financial report was filed; or

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

270 (2) If any county fails to adopt a campaign finance disclosure ordinance described in

271 Subsection (1), candidates for county office, other than community council office, and

272 candidates for local school board office shall comply with the financial reporting requirements

273 contained in Subsections (3) through (8).

- 274 (3) A candidate for elective office in a county or local school board office:
275 (a) shall deposit a contribution in a separate campaign account in a financial institution;
276 and
277 (b) may not deposit or mingle any contributions received into a personal or business
278 account.
- 279 (4) Each candidate for elective office in any county who is not required to submit a
280 campaign financial statement to the lieutenant governor, and each candidate for local school
281 board office, shall file a signed campaign financial statement with the county clerk:
282 (a) seven days before the date of the regular general election, reporting each
283 contribution [~~of more than \$50~~] and each expenditure as of 10 days before the date of the
284 regular general election; and
285 (b) no later than 30 days after the date of the regular general election.
- 286 (5) (a) The statement filed seven days before the regular general election shall include:
287 (i) a list of each contribution [~~of more than \$50~~] received by the candidate, and the
288 name of the donor, if known; and
289 [~~(ii) an aggregate total of all contributions of \$50 or less received by the candidate;~~
290 and]
291 [~~(iii)~~] (ii) a list of each expenditure for political purposes made during the campaign
292 period, and the recipient of each expenditure.
- 293 (b) The statement filed 30 days after the regular general election shall include:
294 (i) a list of each contribution [~~of more than \$50~~] received after the cutoff date for the
295 statement filed seven days before the election, and the name of the donor; and
296 [~~(ii) an aggregate total of all contributions of \$50 or less received by the candidate after~~
297 ~~the cutoff date for the statement filed seven days before the election; and~~]
298 [~~(iii)~~] (ii) a list of all expenditures for political purposes made by the candidate after the
299 cutoff date for the statement filed seven days before the election, and the recipient of each
300 expenditure.
- 301 (6) (a) As used in this Subsection (6), "account" means an account in a financial
302 institution:
303 (i) that is not described in Subsection (3)(a); and
304 (ii) into which or from which a person who, as a candidate for an office, other than a

305 county office for which the person filed a declaration of candidacy or federal office, or as a
306 holder of an office, other than a county office for which the person filed a declaration of
307 candidacy or federal office, deposits a contribution or makes an expenditure.

308 (b) A county office candidate and a local school board office candidate shall include on
309 any campaign financial statement filed in accordance with Subsection (4) or (5):

310 (i) a contribution deposited in an account:

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

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

313 (ii) an expenditure made from an account:

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

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

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

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

321 (b) an organization that is exempt from federal income taxation under Section
322 501(c)(3), Internal Revenue Code.

323 (8) Candidates for elective office in any county, and candidates for local school board
324 office, who are eliminated at a primary election shall file a signed campaign financial statement
325 containing the information required by this section not later than 30 days after the primary
326 election.

327 (9) Any person who fails to comply with this section is guilty of an infraction.

328 (10) (a) Counties may, by ordinance, enact requirements that:

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

330 (ii) impose additional penalties.

331 (b) The requirements described in Subsection (10)(a) apply to a local school board
332 office candidate who resides in that county.

333 (11) (a) If a candidate fails to file an interim report due before the election, the county
334 clerk shall, after making a reasonable attempt to discover if the report was timely mailed,
335 inform the appropriate election officials who:

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

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

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

342 (b) Notwithstanding Subsection (11)(a), a candidate is not disqualified if:

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

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

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

349 (c) A report is considered filed if:

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

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

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

356 (12) (a) Any private party in interest may bring a civil action in district court to enforce
357 the provisions of this section or any ordinance adopted under this section.

358 (b) In a civil action filed under Subsection (12)(a), the court shall award costs and
359 attorney fees to the prevailing party.

360 (13) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
361 Access and Management Act, the county clerk shall:

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

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

366 (i) (A) posting an electronic copy or the contents of the statement on the county's

367 website no later than seven business days after the statement is filed; and

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

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

373 Section 3. Section 20A-11-203 is amended to read:

374 **20A-11-203. State office candidate -- Financial reporting requirements --**

375 **Year-end summary report.**

376 (1) (a) Each state office candidate shall file a summary report by January 10 of the year
377 after the regular general election year.

378 (b) In addition to the requirements of Subsection (1)(a), a former state office candidate
379 that has not filed the statement of dissolution and final summary report required under Section
380 20A-11-205 shall continue to file a summary report on January 10 of each year.

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

383 (i) the net balance of the last financial statement, if any;

384 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
385 if any;

386 (iii) a single figure equal to the total amount of expenditures reported on all interim
387 reports, if any, filed during the previous year;

388 (iv) a detailed listing of each contribution and public service assistance received since
389 the last summary report that has not been reported in detail on an interim report;

390 (v) for each nonmonetary contribution:

391 (A) the fair market value of the contribution with that information provided by the
392 contributor; and

393 (B) a specific description of the contribution;

394 (vi) a detailed listing of each expenditure made since the last summary report that has
395 not been reported in detail on an interim report;

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

397 (viii) a net balance for the year consisting of the net balance from the last summary

398 report, if any, plus all receipts minus all expenditures; and

399 (ix) the name of a political action committee for which the state office candidate is
400 designated as an officer who has primary decision-making authority under Section
401 20A-11-601.

402 [~~(b) (i) For all single contributions or public service assistance of \$50 or less, a single~~
403 ~~aggregate figure may be reported without separate detailed listings.]~~

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

406 [~~(c)~~] (b) In preparing the report, all receipts and expenditures shall be reported as of
407 December 31 of the previous year.

408 [~~(d)~~] (c) A check or negotiable instrument received by a state office candidate or a state
409 office candidate's personal campaign committee on or before December 31 of the previous year
410 shall be included in the summary report.

411 (3) An authorized member of the state office candidate's personal campaign committee
412 or the state office candidate shall certify in the summary report that, to the best of the person's
413 knowledge, all receipts and all expenditures have been reported as of December 31 of the
414 previous year and that there are no bills or obligations outstanding and unpaid except as set
415 forth in that report.

416 Section 4. Section 20A-11-204 is amended to read:

417 **20A-11-204. State office candidate and state officeholder -- Financial reporting**
418 **requirements -- Interim reports.**

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

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

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

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

426 (iii) September 30; and

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

428 (c) If a state office candidate is a state office candidate seeking appointment for a

429 midterm vacancy, the state office candidate:

430 (i) shall file an interim report:

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

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

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

439 (d) Each state office holder who has a campaign account that has not been dissolved
440 under Section 20A-11-205 shall, in an even year, file an interim report at the following times,
441 regardless of whether an election for the state office holder's office is held that year:

442 (i) seven days before the political convention for the political party of the state office
443 holder;

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

445 (iii) September 30; and

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

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

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

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

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

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

455 (e) for each nonmonetary contribution:

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

458 (ii) a specific description of the contribution;

459 (f) a detailed listing of each expenditure made since the last summary report that has

460 not been reported in detail on a prior interim report;

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

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

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

466 (i) beginning balance;

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

468 (iii) total contributions to date;

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

470 (v) total expenditures to date; and

471 (j) the name of a political action committee for which the state office candidate or state
472 office holder is designated as an officer who has primary decision-making authority under
473 Section 20A-11-601.

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

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

478 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
479 reported as of five days before the required filing date of the report.

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

483 Section 5. Section 20A-11-302 is amended to read:

484 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
485 **Year-end summary report.**

486 (1) (a) Each legislative office candidate shall file a summary report by January 10 of
487 the year after the regular general election year.

488 (b) In addition to the requirements of Subsection (1)(a), a former legislative office
489 candidate that has not filed the statement of dissolution and final summary report required
490 under Section 20A-11-304 shall continue to file a summary report on January 10 of each year.

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

493 (i) the net balance of the last financial statement, if any;

494 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
495 if any, during the calendar year in which the summary report is due;

496 (iii) a single figure equal to the total amount of expenditures reported on all interim
497 reports, if any, filed during the previous year;

498 (iv) a detailed listing of each receipt, contribution, and public service assistance since
499 the last summary report that has not been reported in detail on an interim report;

500 (v) for each nonmonetary contribution:

501 (A) the fair market value of the contribution with that information provided by the
502 contributor; and

503 (B) a specific description of the contribution;

504 (vi) a detailed listing of each expenditure made since the last summary report that has
505 not been reported in detail on an interim report;

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

507 (viii) a net balance for the year consisting of the net balance from the last summary
508 report, if any, plus all receipts minus all expenditures; and

509 (ix) the name of a political action committee for which the legislative office candidate
510 is designated as an officer who has primary decision-making authority under Section

511 [20A-11-601](#).

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

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

516 [~~(c)~~] (b) In preparing the report, all receipts and expenditures shall be reported as of
517 December 31 of the previous year.

518 [~~(d)~~] (c) A check or negotiable instrument received by a legislative office candidate on
519 or before December 31 of the previous year shall be included in the summary report.

520 (3) The legislative office candidate shall certify in the summary report that to the best
521 of the candidate's knowledge, all receipts and all expenditures have been reported as of

522 December 31 of the previous year and that there are no bills or obligations outstanding and
523 unpaid except as set forth in that report.

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

525 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**
526 **reporting requirements -- Interim reports.**

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

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

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

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

534 (iii) September 30; and

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

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

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

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

543 (iii) September 30; and

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

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

547 (i) shall file an interim report:

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

551 (B) if a legislative office candidate decides to seek the appointment with less than
552 seven days before the party meets, or the political party schedules the meeting to declare a

553 nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day
554 of business before the day on which the party meets; and

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

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

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

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

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

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

564 (e) for each nonmonetary contribution:

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

567 (ii) a specific description of the contribution;

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

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

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

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

575 (i) beginning balance;

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

577 (iii) total contributions to date;

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

579 (v) total expenditures to date; and

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

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

584 ~~single aggregate figure may be reported without separate detailed listings.]~~

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

587 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
588 reported as of five days before the required filing date of the report.

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

592 Section 7. Section **20A-11-401** is amended to read:

593 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
594 **report -- Officeholder as a political action committee officer -- Anonymous contribution**
595 **or public service assistance.**

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

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

601 (i) this section; and

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

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

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

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

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

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

613 (v) for each nonmonetary contribution:

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

615 contributor; and

616 (B) a specific description of the contribution;

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

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

619 (viii) a net balance for the year consisting of the net balance from the last summary

620 report plus all receipts minus all expenditures; and

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

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

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

627 ~~[(c)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
628 December 31 of the previous year.

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

633 (4) An officeholder may:

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

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

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

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

643 (b) an organization that is exempt from federal income taxation under Section
644 501(c)(3), Internal Revenue Code.

645 Section 8. Section 20A-11-1302 is amended to read:

646 **20A-11-1302. School board office candidate -- Financial reporting requirements**
647 **-- Year-end summary report.**

648 (1) (a) Each school board office candidate shall file a summary report by January 10 of
649 the year after the regular general election year.

650 (b) In addition to the requirements of Subsection (1)(a), a former school board office
651 candidate that has not filed the statement of dissolution and final summary report required
652 under Section [20A-11-1304](#) shall continue to file a summary report on January 10 of each year.

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

655 (i) the net balance of the last financial statement, if any;

656 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
657 if any, during the previous year;

658 (iii) a single figure equal to the total amount of expenditures reported on all interim
659 reports, if any, filed during the previous year;

660 (iv) a detailed listing of each receipt, contribution, and public service assistance since
661 the last summary report that has not been reported in detail on an interim report;

662 (v) for each nonmonetary contribution:

663 (A) the fair market value of the contribution with that information provided by the
664 contributor; and

665 (B) a specific description of the contribution;

666 (vi) a detailed listing of each expenditure made since the last summary report that has
667 not been reported in detail on an interim report;

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

669 (viii) a net balance for the year consisting of the net balance from the last summary
670 report, if any, plus all receipts minus all expenditures; and

671 (ix) the name of a political action committee for which the school board office
672 candidate is designated as an officer who has primary decision-making authority under Section
673 [20A-11-601](#).

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

676 ~~[(ii) Two or more contributions from the same source that have an aggregate total of~~

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

678 ~~[(e)]~~ (b) In preparing the report, all receipts and expenditures shall be reported as of
679 December 31 of the previous year.

680 ~~[(d)]~~ (c) A check or negotiable instrument received by a school board office candidate
681 on or before December 31 of the previous year shall be included in the summary report.

682 (3) The school board office candidate shall certify in the summary report that, to the
683 best of the school board office candidate's knowledge, all receipts and all expenditures have
684 been reported as of December 31 of the previous year and that there are no bills or obligations
685 outstanding and unpaid except as set forth in that report.

686 Section 9. Section **20A-11-1303** is amended to read:

687 **20A-11-1303. School board office candidate and school board officeholder --**
688 **Financial reporting requirements -- Interim reports.**

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

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

- 693 (i) May 15;
- 694 (ii) seven days before the regular primary election date;
- 695 (iii) September 30; and
- 696 (iv) seven days before the regular general election date.

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

- 701 (i) May 15;
- 702 (ii) seven days before the regular primary election date for that year;
- 703 (iii) September 30; and
- 704 (iv) seven days before the regular general election date.

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

- 706 (a) the net balance of the last summary report, if any;
- 707 (b) a single figure equal to the total amount of receipts reported on all prior interim

- 708 reports, if any, during the calendar year in which the interim report is due;
- 709 (c) a single figure equal to the total amount of expenditures reported on all prior
710 interim reports, if any, filed during the calendar year in which the interim report is due;
- 711 (d) a detailed listing of each contribution and public service assistance received since
712 the last summary report that has not been reported in detail on a prior interim report;
- 713 (e) for each nonmonetary contribution:
- 714 (i) the fair market value of the contribution with that information provided by the
715 contributor; and
- 716 (ii) a specific description of the contribution;
- 717 (f) a detailed listing of each expenditure made since the last summary report that has
718 not been reported in detail on a prior interim report;
- 719 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 720 (h) a net balance for the year consisting of the net balance from the last summary
721 report, if any, plus all receipts since the last summary report minus all expenditures since the
722 last summary report;
- 723 (i) a summary page in the form required by the lieutenant governor that identifies:
- 724 (i) beginning balance;
- 725 (ii) total contributions during the period since the last statement;
- 726 (iii) total contributions to date;
- 727 (iv) total expenditures during the period since the last statement; and
- 728 (v) total expenditures to date; and
- 729 (j) the name of a political action committee for which the school board office candidate
730 or school board office holder is designated as an officer who has primary decision-making
731 authority under Section [20A-11-601](#).
- 732 ~~[(3) (a) For all individual contributions or public service assistance of \$50 or less, a
733 single aggregate figure may be reported without separate detailed listings.]~~
- 734 ~~[(b) Two or more contributions from the same source that have an aggregate total of
735 more than \$50 may not be reported in the aggregate, but shall be reported separately.]~~
- 736 ~~[(4)]~~ (3) (a) In preparing each interim report, all receipts and expenditures shall be
737 reported as of five days before the required filing date of the report.
- 738 (b) Any negotiable instrument or check received by a school board office candidate or

739 school board office holder more than five days before the required filing date of a report
740 required by this section shall be included in the interim report.