

HB0290S01 compared with HB0290

~~deleted text~~ shows text that was in HB0290 but was deleted in HB0290S01.

inserted text shows text that was not in HB0290 but was inserted into HB0290S01.

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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: _____

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 ~~{, or other filing entity}~~ 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

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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

20A-11-302, as last amended by Laws of Utah 2011, Chapter 347

20A-11-303, as last amended by Laws of Utah 2015, Chapter 204

20A-11-401, as last amended by Laws of Utah 2015, Chapter 21

~~{ 20A-11-506, as last amended by Laws of Utah 2008, Chapters 14 and 225~~

~~20A-11-507, as last amended by Laws of Utah 2015, Chapter 204~~

~~20A-11-510, as enacted by Laws of Utah 2011, Chapter 396~~

~~20A-11-511, as last amended by Laws of Utah 2015, Chapter 204~~

~~20A-11-602, as last amended by Laws of Utah 2015, Chapters 21 and 204~~

~~20A-11-701, as last amended by Laws of Utah 2015, Chapters 204 and 296~~

~~20A-11-702, as last amended by Laws of Utah 2015, Chapter 204~~

~~20A-11-802, as last amended by Laws of Utah 2015, Chapters 21, 204, and 388~~

‡ **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347

20A-11-1303, as last amended by Laws of Utah 2015, Chapter 204

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

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

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

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

(a) "Agent of a candidate" means:

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

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

(iii) the personal campaign committee of a candidate;

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

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(v) a political consultant of a candidate.

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

(i) \$50; or

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

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

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

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

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

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

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

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

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

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

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

(F) an in-kind contribution.

(ii) "Contribution" does not include:

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

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

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

~~(d)~~ (e) "Coordinated with" means that goods or services provided for the benefit of a

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candidate are provided:

- (i) with the candidate's prior knowledge, if the candidate does not object;
- (ii) by agreement with the candidate;
- (iii) in coordination with the candidate; or
- (iv) using official logos, slogans, and similar elements belonging to a candidate.

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

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

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

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

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

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

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

(ii) "Expenditure" does not include:

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

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

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

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

(ii) "Political consultant" includes a circumstance described in Subsection

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(1)~~(g)~~(h)(i), where the person:

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

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

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

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

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

(i) a candidate;

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

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

(iv) a party committee as defined in Section 20A-11-101;

(v) a political action committee as defined in Section 20A-11-101;

(vi) a political issues committee as defined in Section 20A-11-101;

(vii) a corporation as defined in Section 20A-11-101; or

(viii) a labor organization as defined in Section 20A-11-1501.

~~(j) "Reporting limit" means for each calendar year:~~

~~(i) \$50; or~~

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

(2) (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a candidate that are more stringent than the requirements provided in Subsections (3) and (4).

(b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).

(c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3) and (4).

(3) (a) Each candidate:

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

(ii) may not deposit or mingle any campaign contributions received into a personal or business account.

(b) Each candidate who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:

(i) no later than seven days before the day on which the municipal general election is held; and

(ii) no later than 30 days after the day on which the municipal general election is held.

(c) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement 30 days after the day on which the municipal primary election is held.

(4) Each campaign finance statement under Subsection (3)(b) or (c) shall:

(a) except as provided in Subsection (4)(b):

(i) report all of the candidate's itemized and total:

(A) contributions, including in-kind and other nonmonetary contributions, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and

(B) expenditures made up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and

(ii) identify:

(A) for each contribution [~~that exceeds the reporting limit~~], the amount of the contribution and the name of the donor, if known; and

~~[(B) the aggregate total of all contributions that individually do not exceed the reporting limit; and]~~

~~[(C) (B) for each expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or~~

(b) report the total amount of all contributions and expenditures if the candidate receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.

(c) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the [~~reporting~~] anonymous contribution limit, and is from a donor whose name is

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unknown, a candidate shall disburse the amount of the contribution to:

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

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

(5) (a) A municipality may, by ordinance:

(i) provide [~~a reporting~~] an anonymous contribution limit [~~lower~~] less than \$50;

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

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

(b) A candidate is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (5)(a) if:

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) shall:

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

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

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

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

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

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

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

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

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

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

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

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

- (i) candidates for county office; and
- (ii) candidates for local school board office who reside in that county.

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

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

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

(iii) a requirement that the financial reports identify:

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

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

(iv) a requirement that a candidate for county office or local school board office deposit a contribution in a separate campaign account in a financial institution;

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

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

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

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

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

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

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

(ii) The ordinance required by Subsection (1)(a) shall include a requirement that a candidate for county office or local school board office include on a financial report filed in accordance with the ordinance a contribution deposited in or an expenditure made from an account:

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

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

(2) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1), candidates for county office, other than community council office, and candidates for local school board office shall comply with the financial reporting requirements contained in Subsections (3) through (8).

(3) A candidate for elective office in a county or local school board office:

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

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

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

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

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

(5) (a) The statement filed seven days before the regular general election shall include:

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

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

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~~[(iii)]~~ (ii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

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

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

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

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

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

(i) that is not described in Subsection (3)(a); and

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

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

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

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

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

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

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

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

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

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

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

(ii) impose additional penalties.

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

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

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

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

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

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

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

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

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

(c) A report is considered filed if:

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

(ii) it is received in the county clerk's office with a United States Postal Service

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postmark three days or more before the date that the report was due; or

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

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

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

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

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

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

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

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

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

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

**20A-11-203. State office candidate -- Financial reporting requirements --
Year-end summary report.**

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

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

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

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

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

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

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

(v) for each nonmonetary contribution:

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

(B) a specific description of the contribution;

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

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

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

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

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

~~[(ii) 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.]~~

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

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

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

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forth in that report.

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

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

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

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

- (i) seven days before the candidate's political convention;
- (ii) seven days before the regular primary election date;
- (iii) September 30; and
- (iv) seven days before the regular general election date.

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

(i) shall file an interim report:

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

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

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

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

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

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

(iii) September 30; and

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- (iv) seven days before the regular general election date.
- (2) Each interim report shall include the following information:
 - (a) the net balance of the last summary report, if any;
 - (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
 - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
 - (d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
 - (e) for each nonmonetary contribution:
 - (i) the fair market value of the contribution with that information provided by the contributor; and
 - (ii) a specific description of the contribution;
 - (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
 - (g) for each nonmonetary expenditure, the fair market value of the expenditure;
 - (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
 - (i) a summary page in the form required by the lieutenant governor that identifies:
 - (i) beginning balance;
 - (ii) total contributions during the period since the last statement;
 - (iii) total contributions to date;
 - (iv) total expenditures during the period since the last statement; and
 - (v) total expenditures to date; and
 - (j) the name of a political action committee for which the state office candidate or state office holder is designated as an officer who has primary decision-making 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~~

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

~~[(4)] (3)~~ (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 state office candidate or state 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.

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

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

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

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

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

- (i) the net balance of the last financial statement, if any;
- (ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the calendar year in which the summary report is due;
- (iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;
- (iv) a detailed listing of each receipt, contribution, and public service assistance since the last summary report that has not been reported in detail on an interim report;
- (v) for each nonmonetary contribution:
 - (A) the fair market value of the contribution with that information provided by the contributor; and
 - (B) a specific description of the contribution;
- (vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
- (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- (viii) a net balance for the year consisting of the net balance from the last summary

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

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

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

~~[(ii) 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.]~~

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

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

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

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

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

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

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

- (i) seven days before the candidate's political convention;
- (ii) seven days before the regular primary election date;
- (iii) September 30; and
- (iv) seven days before the regular general election date.

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

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held that year:

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

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

(iii) September 30; and

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

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

(i) shall file an interim report:

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

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

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

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

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

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

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

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

(e) for each nonmonetary contribution:

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

(ii) a specific description of the contribution;

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

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(g) for each nonmonetary expenditure, the fair market value of the expenditure;
(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;

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

(i) beginning balance;

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

(iii) total contributions to date;

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

(v) total expenditures to date; and

(j) the name of a political action committee for which the legislative office candidate or legislative office holder is designated as an officer who has primary decision-making 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)]~~ (3) (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 legislative office candidate or legislative 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.

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

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

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

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

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(i) this section; and

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

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

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

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

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

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

(v) for each nonmonetary contribution:

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

(B) a specific description of the contribution;

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

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

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

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

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

~~[(ii) 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.]~~

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

(3) The summary report shall contain a paragraph signed by the officeholder certifying that, to the best of the officeholder's knowledge, all receipts and all expenditures have been reported as of December 31 of the last calendar year and that there are no bills or obligations

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outstanding and unpaid except as set forth in that report.

(4) An officeholder may:

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

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

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

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

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

Section 8. Section ~~{20A-11-506}~~ 20A-11-1302 is amended to read:

~~{~~ **20A-11-506. Political party financial reporting requirements -- Year-end summary report.**

~~_____ (1) The party committee of each registered political party shall file a summary report by January 10 of each year.~~

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

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

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

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

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

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

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

~~_____ (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and~~

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

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

~~—— [(ii) 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.]~~

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

~~—— (3) The summary report shall contain a paragraph signed by the treasurer of the party committee certifying that, to the best of the treasurer's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.~~

~~—— Section 9. Section **20A-11-507** is amended to read:~~

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

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

~~—— (a) seven days before the registered political party's political convention;~~

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

~~—— (c) September 30; and~~

~~—— (d) seven days before the general election date.~~

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

~~—— (a) the net balance of the last financial statement, if any;~~

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

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

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

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

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

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

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

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

~~—— (i) beginning balance;~~

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

~~—— (iii) total contributions to date;~~

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

~~—— (v) total expenditures to date.~~

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

~~—— Section 10. Section **20A-11-510** is amended to read:~~

~~—— **20A-11-510. County political party financial reporting requirements -- Year-end summary report.**~~

~~—— (1) A county political party officer of a county political party that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year shall file a summary report by January 10 of the following year:~~

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

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

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

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

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

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- ~~—— (v) for each nonmonetary contribution, the fair market value of the contribution;~~
- ~~—— (vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;~~
- ~~—— (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and~~
- ~~—— (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.~~
- ~~—— [(b) (i) For all individual contributions or public service assistance of \$50 or less, a single aggregate figure may be reported without separate detailed listings.]~~
- ~~—— [(ii) 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.]~~
- ~~—— [(c) (b) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.~~
- ~~—— (3) The county political party officer shall certify in the summary report that, to the best of the officer's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.~~
- ~~—— Section 11. Section **20A-11-511** is amended to read:~~
- ~~—— **20A-11-511. County political party financial reporting requirements -- Interim reports:**~~
- ~~—— (1) (a) A county political party officer of a county political party that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year shall file an interim report at the following times in any year in which there is a regular general election:~~
- ~~—— (i) seven days before the county political party's convention;~~
- ~~—— (ii) seven days before the regular primary election date;~~
- ~~—— (iii) September 30; and~~
- ~~—— (iv) seven days before the general election date.~~
- ~~—— (b) A county political party officer need not file an interim report if it received no contributions or made no expenditures during the reporting period.~~
- ~~—— (2) Each interim report shall include the following information:~~
- ~~—— (a) the net balance of the last financial statement, if any;~~

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- ~~—— (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;~~
- ~~—— (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;~~
- ~~—— (d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;~~
- ~~—— (e) for each nonmonetary contribution, the fair market value of the contribution;~~
- ~~—— (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;~~
- ~~—— (g) for each nonmonetary expenditure, the fair market value of the expenditure;~~
- ~~—— (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report, and~~
- ~~—— (i) a summary page in the form required by the lieutenant governor that identifies:~~
 - ~~—— (i) beginning balance;~~
 - ~~—— (ii) total contributions during the period since the last statement;~~
 - ~~—— (iii) total contributions to date;~~
 - ~~—— (iv) total expenditures during the period since the last statement; and~~
 - ~~—— (v) total expenditures to date.~~
- ~~—— [(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) (3) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.~~
- ~~—— Section 12. Section **20A-11-602** is amended to read:~~
- ~~—— **20A-11-602. Political action committees -- Financial reporting.**~~
 - ~~—— (1) (a) Each registered political action committee that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$50, during a calendar year shall file a verified financial statement with the lieutenant governor's office:~~
 - ~~—— (i) on January 10, reporting contributions and expenditures as of December 31 of the~~

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~~previous year;~~

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

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

~~—— (iv) on September 30; and~~

~~—— (v) seven days before:~~

~~—— (A) the municipal general election; and~~

~~—— (B) the regular general election date.~~

~~—— (b) The registered political action committee shall report:~~

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

~~—— (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all contributions and expenditures as of five days before the required filing date of the financial statement:~~

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

~~—— (2) [(a)] The verified financial statement shall include:~~

~~—— [(i)] (a) the name and address of any individual who makes a contribution to the reporting political action committee, if known, and the amount of the contribution;~~

~~—— [(ii)] (b) the identification of any publicly identified class of individuals that makes a contribution to the reporting political action committee, if known, and the amount of the contribution;~~

~~—— [(iii)] (c) the name and address of any political action committee, group, or entity, if known, that makes a contribution to the reporting political action committee, and the amount of the contribution;~~

~~—— [(iv)] (d) for each nonmonetary contribution, the fair market value of the contribution;~~

~~—— [(v)] (e) the name and address of each reporting entity that received an expenditure from the reporting political action committee, and the amount of each expenditure;~~

~~—— [(vi)] (f) for each nonmonetary expenditure, the fair market value of the expenditure;~~

~~—— [(vii)] (g) the total amount of contributions received and expenditures disbursed by the reporting political action committee;~~

~~—— [(viii)] (h) a statement by the political action committee's treasurer or chief financial~~

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~~officer certifying that, to the best of the person's knowledge, the financial report is accurate;
and~~

~~—— [(ix)] (i) a summary page in the form required by the lieutenant governor that identifies
the:~~

~~—— [(A)] (i) beginning balance;~~

~~—— [(B)] (ii) total contributions during the period since the last statement;~~

~~—— [(C)] (iii) total contributions to date;~~

~~—— [(D)] (iv) total expenditures during the period since the last statement; and~~

~~—— [(E)] (v) total expenditures to date.~~

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

~~—— [(ii) 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.]~~

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

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

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

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

~~—— (iii) for any other type of contribution, that any portion of the contribution's benefit
inures to the political action committee.~~

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

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

~~—— (a) is cash or a negotiable instrument;~~

~~—— (b) exceeds \$50; and~~

~~—— (c) is from an unknown source.~~

~~—— Section 13. Section 20A-11-701 is amended to read:~~

~~—— 20A-11-701. Campaign financial reporting by corporations -- Filing requirements~~

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~~==Statement contents==Donor reporting and notification required:~~

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

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

~~———— (ii) seven days before the state political convention for each major political party;~~

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

~~———— (iv) on September 30; and~~

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

~~———— (b) The corporation shall report:~~

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

~~———— (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all expenditures as of five days before the required filing date of the financial statement; and~~

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

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

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

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

~~———— (c) The corporation need not file a financial statement under this section if the corporation made no expenditures during the reporting period:~~

~~———— (d) The corporation is not required to report an expenditure made to, or on behalf of, a reporting entity that the reporting entity is required to include in a financial statement described in this chapter or Chapter 12, Part 2, Judicial Retention Elections.~~

~~———— (2) The financial statement shall include:~~

~~———— (a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;~~

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

~~———— (i) since the last financial statement; and~~

~~———— (ii) during the calendar year;~~

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

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

~~—— (d) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the financial statement.~~

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

~~—— (i) the name and address of each donor;~~

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

~~—— (iii) the date on which the corporation received the money.~~

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

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

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

~~—— (B) gives the money to the corporation in response to a solicitation indicating the corporation's intent to make an expenditure; or~~

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

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

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

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

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

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

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

~~—— [(c) (i) For all individual donations of \$50 or less, the corporation may report a single aggregate figure without separate detailed listings.]~~

~~—— [(ii) The corporation:]~~

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

~~—— [(B) shall separately report donations described in Subsection (3)(c)(ii)(A).]~~

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

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

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

~~—— Section 14. Section **20A-11-702** is amended to read:~~

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

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

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

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

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

~~—— (iv) on September 30; and~~

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

~~—— (b) The corporation shall report:~~

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

~~—— (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), expenditures as of five days before the required filing date of the financial statement.~~

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

~~—— (2) That statement shall include:~~

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- ~~—— (a) the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the corporation, and the amount of each political issues expenditure;~~
- ~~—— (b) the total amount of political issues expenditures disbursed by the corporation:~~
 - ~~—— (i) since the last financial statement; and~~
 - ~~—— (ii) during the calendar year;~~
- ~~—— (c) (i) a statement that the corporation did not receive any money from any donor during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; or~~
- ~~—— (ii) a report, described in Subsection (3), of the money received from donors during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; and~~
- ~~—— (d) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the verified financial statement.~~
- ~~—— (3) (a) The report required by Subsection (2)(c)(ii) shall include:~~
 - ~~—— (i) the name and address of each donor;~~
 - ~~—— (ii) the amount of the money received by the corporation from each donor; and~~
 - ~~—— (iii) the date on which the corporation received the money.~~
- ~~—— (b) A corporation shall report money received from donors in the following order:~~
 - ~~—— (i) first, beginning with the least recent date on which the corporation received money that has not been reported in a previous financial statement, the money received from a donor that:
 - ~~—— (A) requests that the corporation use the money to make a political issues expenditure;~~
 - ~~—— (B) gives the money to the corporation in response to a solicitation indicating the corporation's intent to make a political issues expenditure; or~~
 - ~~—— (C) knows that the corporation may use the money to make a political issues expenditure; and~~~~
 - ~~—— (ii) second, divide the difference between the total amount of political issues expenditures made since the last financial statement and the total amount of money reported under Subsection (3)(b)(i) on a proration basis between all donors that:
 - ~~—— (A) are not described in Subsection (3)(b)(i);~~~~

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- ~~—— (B) gave at least \$50 during the calendar year or previous calendar year; and~~
- ~~—— (C) have not been reported in a previous financial statement.~~
- ~~—— (c) If the amount reported under Subsection (3)(b) is less than the total amount of political issues expenditures made since the last financial statement, the financial statement shall contain a statement that the corporation has reported all donors that gave money, and all money received by donors, during the calendar year or previous calendar year that the corporation has not reported in a previous financial statement.~~
- ~~—— (d) The corporation shall indicate on the financial statement that the amount attributed to each donor under Subsection (3)(b)(ii) is only an estimate.~~
- ~~—— [(c) (i) For all individual donations of \$50 or less, the corporation may report a single aggregate figure without separate detailed listings.]~~
- ~~—— [(ii) The corporation:]~~
- ~~—— [(A) may not report in the aggregate two or more donations from the same source that have an aggregate total of more than \$50; and]~~
- ~~—— [(B) shall separately report donations described in Subsection (3)(c)(ii)(A).]~~
- ~~—— (4) If a corporation makes political issues expenditures that total at least \$750 during a calendar year, the corporation shall notify a person giving money to the corporation that:~~
 - ~~—— (a) the corporation may use the money to make a political issues expenditure; and~~
 - ~~—— (b) the person's name and address may be disclosed on the corporation's financial statement.~~
- ~~—— Section 15. Section **20A-11-802** is amended to read:~~
- ~~—— **20A-11-802. Political issues committees -- Financial reporting.**~~
- ~~—— (1) (a) Each registered political issues committee that has received political issues contributions totaling at least \$750, or disbursed political issues expenditures totaling at least \$750, during a calendar year, shall file a verified financial statement with the lieutenant governor's office:~~
 - ~~—— (i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;~~
 - ~~—— (ii) seven days before the state political convention of each major political party;~~
 - ~~—— (iii) seven days before the regular primary election date;~~
 - ~~—— (iv) seven days before the date of an incorporation election, if the political issues~~

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~~committee has received donations or made disbursements to affect an incorporation;~~

~~—— (v) at least three days before the first public hearing held as required by Section 20A-7-204.1;~~

~~—— (vi) if the political issues committee has received or expended funds in relation to an initiative or referendum, at the time the initiative or referendum sponsors submit:~~

~~—— (A) the verified and certified initiative packets as required by Section 20A-7-206; or~~

~~—— (B) the signed and verified referendum packets as required by Section 20A-7-306;~~

~~—— (vii) on September 30; and~~

~~—— (viii) seven days before:~~

~~—— (A) the municipal general election; and~~

~~—— (B) the regular general election:~~

~~—— (b) The political issues committee shall report:~~

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

~~—— (ii) all contributions and expenditures as of five days before the required filing date of the financial statement, except for a financial statement filed on January 10.~~

~~—— (c) The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.~~

~~—— (2) (a) That statement shall include:~~

~~—— (i) the name and address, if known, of any individual who makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;~~

~~—— (ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;~~

~~—— (iii) the name and address, if known, of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;~~

~~—— (iv) the name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;~~

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- ~~—— (v) for each nonmonetary contribution, the fair market value of the contribution;~~
- ~~—— (vi) except as provided in Subsection (2)(c)(b), the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the reporting political issues committee, and the amount of each political issues expenditure;~~
- ~~—— (vii) for each nonmonetary expenditure, the fair market value of the expenditure;~~
- ~~—— (viii) the total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;~~
- ~~—— (ix) a statement by the political issues committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial statement is accurate; and~~
- ~~—— (x) a summary page in the form required by the lieutenant governor that identifies:~~
 - ~~—— (A) beginning balance;~~
 - ~~—— (B) total contributions during the period since the last statement;~~
 - ~~—— (C) total contributions to date;~~
 - ~~—— (D) total expenditures during the period since the last statement; and~~
 - ~~—— (E) total expenditures to date.~~
- ~~—— [(b) (i) Political issues contributions received by a political issues committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.]~~
- ~~—— [(ii) Two or more political issues 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.]~~
- ~~—— [(c) (b) When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:~~
 - ~~—— (i) need only report the amount paid to each initiative petition circulator; and~~
 - ~~—— (ii) need not report the name or address of the circulator.~~
- ~~—— (3) (a) As used in this Subsection (3), "received" means:~~
 - ~~—— (i) for a cash contribution, that the cash is given to a political issues committee;~~
 - ~~—— (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and~~
 - ~~—— (iii) for any other type of contribution, that any portion of the contribution's benefit~~

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~~inures to the political issues committee.~~

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

~~— (4) A political issues committee may not expend a contribution for a political issues expenditure if the contribution:~~

~~— (a) is cash or a negotiable instrument;~~

~~— (b) exceeds \$50; and~~

~~— (c) is from an unknown source.~~

~~— Section 16. Section **20A-11-1302** is amended to read:~~

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

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

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

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

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

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

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

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

(v) for each nonmonetary contribution:

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

(B) a specific description of the contribution;

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

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- (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and
- (ix) the name of a political action committee for which the school board office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.

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

~~[(ii) 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.]~~

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

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

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

Section ~~{17}~~⁹. Section **20A-11-1303** is amended to read:

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

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

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

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

(c) Each school board office holder who has a campaign account that has not been dissolved under Section 20A-11-1304 shall, in an even year, file an interim report at the

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following times, regardless of whether an election for the school board office holder's office is held that year:

- (i) May 15;
 - (ii) seven days before the regular primary election date for that year;
 - (iii) September 30; and
 - (iv) seven days before the regular general election date.
- (2) Each interim report shall include the following information:
- (a) the net balance of the last summary report, if any;
 - (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
 - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
 - (d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
 - (e) for each nonmonetary contribution:
 - (i) the fair market value of the contribution with that information provided by the contributor; and
 - (ii) a specific description of the contribution;
 - (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
 - (g) for each nonmonetary expenditure, the fair market value of the expenditure;
 - (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
 - (i) a summary page in the form required by the lieutenant governor that identifies:
 - (i) beginning balance;
 - (ii) total contributions during the period since the last statement;
 - (iii) total contributions to date;
 - (iv) total expenditures during the period since the last statement; and
 - (v) total expenditures to date; and
 - (j) the name of a political action committee for which the school board office candidate

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or school board office holder is designated as an officer who has primary decision-making 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)]~~ (3) (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.

†

~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel~~