

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **20A-11-201**, as last amended by Laws of Utah 2015, Chapters 21 and 127

35 **20A-11-301**, as last amended by Laws of Utah 2015, Chapters 21 and 127

36 **20A-11-401**, as last amended by Laws of Utah 2016, Chapter 409

37 **20A-11-510**, as enacted by Laws of Utah 2011, Chapter 396

38 **20A-11-511**, as last amended by Laws of Utah 2015, Chapter 204

39 **20A-11-512**, as last amended by Laws of Utah 2015, Chapter 204

40 **20A-11-601**, as last amended by Laws of Utah 2011, Chapter 347

41 **20A-11-602**, as last amended by Laws of Utah 2015, Chapters 21 and 204

42 **20A-11-704**, as enacted by Laws of Utah 2006, Chapter 226

43 **20A-11-705**, as enacted by Laws of Utah 2015, Chapter 296

44 **20A-11-801**, as last amended by Laws of Utah 2015, Chapter 388

45 **20A-11-802**, as last amended by Laws of Utah 2015, Chapters 21, 204, and 388

46 **20A-11-803**, as last amended by Laws of Utah 2015, Chapter 204

47 **20A-11-1005**, as last amended by Laws of Utah 2013, Chapter 252

48 **20A-11-1301**, as last amended by Laws of Utah 2016, Chapter 28

49 **20A-11-1502**, as last amended by Laws of Utah 2015, Chapter 204

50 **20A-11-1703**, as enacted by Laws of Utah 2014, Chapter 60

51 **20A-11-1704**, as enacted by Laws of Utah 2014, Chapter 60

52 **20A-12-303**, as last amended by Laws of Utah 2015, Chapters 21 and 127

53

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

55 Section 1. Section **20A-11-201** is amended to read:

56 **20A-11-201. State office candidate -- Separate bank account for campaign funds**

57 **-- No personal use -- Contribution reporting deadline -- Report other accounts --**

58 **Anonymous contributions.**

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

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

64 (i) a personal use expenditure; or

65 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

89 (i) except as provided in Subsection (5)(b)(ii), within [~~30~~] 31 days after the day on

90 which the contribution or public service assistance is received; or

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

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

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

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

102 (c) For each contribution or provision of public service assistance that a state office
103 candidate fails to report within the time period described in Subsection (5)(b), the lieutenant
104 governor shall impose a fine against the state office candidate in an amount equal to:

105 (i) (A) 10% of the amount of the contribution, if the state office candidate reports the
106 contribution within 60 days after the day on which the time period described in Subsection
107 (5)(b) ends; or

108 (B) 20% of the amount of the contribution, if the state office candidate fails to report
109 the contribution within 60 days after the day on which the time period described in Subsection
110 (5)(b) ends; or

111 (ii) (A) 10% of the value of the public service assistance, if the state office candidate
112 reports the public service assistance within 60 days after the day on which the time period
113 described in Subsection (5)(b) ends; or

114 (B) 20% of the amount of the public service assistance, if the state office candidate
115 fails to report the public service assistance within 60 days after the day on which the time
116 period described in Subsection (5)(b) ends.

117 (d) The lieutenant governor shall:

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

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

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

122 (B) the amount of the fine;

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

124 (D) the date of the contribution.

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

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

128 (ii) into which or from which a person who, as a candidate for an office, other than the
129 state office for which the person files a declaration of candidacy or federal office, or as a holder
130 of an office, other than a state office for which the person files a declaration of candidacy or
131 federal office, deposits a contribution or makes an expenditure.

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

134 (i) a contribution deposited in an account:

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

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

137 (ii) an expenditure made from an account:

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

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

140 (7) Within [~~30~~] 31 days after receiving a contribution that is cash or a negotiable

141 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse
142 the amount of the contribution to:

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

145 (b) an organization that is exempt from federal income taxation under Section
146 501(c)(3), Internal Revenue Code.

147 Section 2. Section **20A-11-301** is amended to read:

148 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**

149 **Candidate as a political action committee officer -- No personal use -- Contribution**
150 **reporting deadline -- Report other accounts -- Anonymous contributions.**

151 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public

152 service assistance received in one or more separate accounts in a financial institution that are
153 dedicated only to that purpose.

154 (ii) A legislative office candidate may:

155 (A) receive a contribution or public service assistance from a political action

156 committee registered under Section 20A-11-601; and

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

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

161 (i) a personal use expenditure; or

162 (ii) an expenditure prohibited by law.

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

165 (3) If a person who is no longer a legislative candidate chooses not to expend the
166 money remaining in a campaign account, the person shall continue to file the year-end
167 summary report required by Section 20A-11-302 until the statement of dissolution and final
168 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

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

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

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

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

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

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

183 inures to the legislative office candidate.

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

186 (i) except as provided in Subsection (5)(b)(ii), within [~~30~~] 31 days after the day on
187 which the contribution or public service assistance is received; or

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

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

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

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

199 (c) For each contribution or provision of public service assistance that a legislative
200 office candidate fails to report within the time period described in Subsection (5)(b), the
201 lieutenant governor shall impose a fine against the legislative office candidate in an amount
202 equal to:

203 (i) (A) 10% of the amount of the contribution, if the legislative office candidate reports
204 the contribution within 60 days after the day on which the time period described in Subsection
205 (5)(b) ends; or

206 (B) 20% of the amount of the contribution, if the legislative office candidate fails to
207 report the contribution within 60 days after the day on which the time period described in
208 Subsection (5)(b) ends; or

209 (ii) (A) 10% of the value of the public service assistance, if the legislative office
210 candidate reports the public service assistance within 60 days after the day on which the time
211 period described in Subsection (5)(b) ends; or

212 (B) 20% of the amount of the public service assistance, if the legislative office
213 candidate fails to report the public service assistance within 60 days after the day on which the

214 time period described in Subsection (5)(b) ends.

215 (d) The lieutenant governor shall:

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

217 (ii) report on the lieutenant governor's website, in the location where reports relating to

218 each legislative office candidate are available for public access:

219 (A) each fine imposed by the lieutenant governor against the legislative office

220 candidate;

221 (B) the amount of the fine;

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

223 (D) the date of the contribution.

224 (6) Within [~~30~~] 31 days after receiving a contribution that is cash or a negotiable

225 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall

226 disburse the amount of the contribution to:

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

228 political subdivision's general fund; or

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

230 501(c)(3), Internal Revenue Code.

231 (7) (a) As used in this Subsection (7), "account" means an account in a financial

232 institution:

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

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

235 legislative office for which the person files a declaration of candidacy or federal office, or as a

236 holder of an office, other than a legislative office for which the person files a declaration of

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

238 (b) A legislative office candidate shall include on any financial statement filed in

239 accordance with this part:

240 (i) a contribution deposited in an account:

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

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

243 (ii) an expenditure made from an account:

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

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

246 Section 3. Section **20A-11-401** is amended to read:

247 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
248 **report -- Officeholder as a political action committee officer -- Anonymous contribution**
249 **or public service assistance.**

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

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

255 (i) this section; and

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

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

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

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

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

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

267 (v) for each nonmonetary contribution:

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

270 (B) a specific description of the contribution;

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

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

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

275 (ix) the name of a political action committee for which the officeholder is designated

276 as an officer who has primary decision-making authority under Section 20A-11-601.

277 (b) In preparing the report, all receipts and expenditures shall be reported as of
278 December 31 of the previous year.

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

283 (4) An officeholder may:

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

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

288 (5) Within [~~30~~] 31 days after receiving a contribution or public service assistance that
289 is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, an
290 officeholder shall disburse the amount of the contribution or public service assistance to:

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

293 (b) an organization that is exempt from federal income taxation under Section
294 501(c)(3), Internal Revenue Code.

295 Section 4. Section 20A-11-510 is amended to read:

296 **20A-11-510. County political party financial reporting requirements -- Year-end**
297 **summary report.**

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

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

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

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

306 (iii) a single figure equal to the total amount of expenditures reported on all interim

307 reports, if any, filed during the previous year;

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

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

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

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

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

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

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

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

322 (3) The county political party officer shall certify in the summary report that, to the
323 best of the officer's knowledge, all receipts and all expenditures have been reported as of
324 December 31 of the previous year and that there are no bills or obligations outstanding and
325 unpaid except as set forth in that report.

326 Section 5. Section **20A-11-511** is amended to read:

327 **20A-11-511. County political party financial reporting requirements -- Interim**
328 **reports.**

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

333 (i) seven days before the county political party's convention;

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

335 (iii) September 30; and

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

337 (b) A county political party officer need not file an interim report if it received no

338 contributions or made no expenditures during the reporting period.

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

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

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

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

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

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

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

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

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

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

355 (i) beginning balance;

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

357 (iii) total contributions to date;

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

359 (v) total expenditures to date.

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

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

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

366 Section 6. Section **20A-11-512** is amended to read:

367 **20A-11-512. County political party -- Criminal penalties -- Fines.**

368 [~~(1)(a) A county political party that fails to file an interim report that is due seven days~~

369 ~~before the county political party's convention is subject to a fine imposed in accordance with~~
 370 ~~Section 20A-11-1005.]~~

371 ~~[(b)]~~ (1) A county political party that fails to file an interim report described in
 372 Subsections 20A-11-511(1)(a)~~[(ii)]~~(i) through (iv) is subject to a fine ~~[of \$1,000]~~ in accordance
 373 with Section 20A-11-1005, which the chief election officer shall deposit in the General Fund.

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

377 (a) a county political party officer who is required to file a statement has filed one; and

378 (b) each statement contains the information required by Section 20A-11-510.

379 (3) If it appears that any county political party officer has failed to file a financial
 380 statement, if it appears that a filed financial statement does not conform to the law, or if the
 381 lieutenant governor has received a written complaint alleging a violation of the law or the
 382 falsity of any financial statement, the lieutenant governor shall, within five days of discovery of
 383 a violation or receipt of a written complaint, notify the county political party officer of the
 384 violation or written complaint and direct the county political party officer to file a financial
 385 statement correcting the problem.

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

390 (i) 10% of the total contributions received by the county political party during the
 391 reporting period for the financial statement that the county political party failed to file or
 392 amend; or

393 (ii) \$1,000.

394 (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into
 395 the General Fund.

396 Section 7. Section 20A-11-601 is amended to read:

397 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
 398 **providing false information or accepting unlawful contribution.**

399 (1) (a) Each political action committee shall file a statement of organization with the

400 lieutenant governor's office by January 10 of each year, unless the political action committee
401 has filed a notice of dissolution under Subsection (4).

402 (b) If a political action committee is organized after the January 10 filing date, the
403 political action committee shall file an initial statement of organization no later than seven days
404 after:

405 (i) receiving contributions totaling at least \$750; or

406 (ii) distributing expenditures for political purposes totaling at least [~~\$50~~] \$750.

407 (c) Each political action committee shall deposit each contribution received in one or
408 more separate accounts in a financial institution that are dedicated only to that purpose.

409 (2) (a) Each political action committee shall designate two officers who have primary
410 decision-making authority for the political action committee.

411 (b) A person may not exercise primary decision-making authority for a political action
412 committee who is not designated under Subsection (2)(a).

413 (3) The statement of organization shall include:

414 (a) the name and address of the political action committee;

415 (b) the name, street address, phone number, occupation, and title of the two primary
416 officers designated under Subsection (2)(a);

417 (c) the name, street address, occupation, and title of all other officers of the political
418 action committee;

419 (d) the name and street address of the organization, individual corporation, association,
420 unit of government, or union that the political action committee represents, if any;

421 (e) the name and street address of all affiliated or connected organizations and their
422 relationships to the political action committee;

423 (f) the name, street address, business address, occupation, and phone number of the
424 committee's treasurer or chief financial officer; and

425 (g) the name, street address, and occupation of each member of the governing and
426 advisory boards, if any.

427 (4) (a) Any registered political action committee that intends to permanently cease
428 operations shall file a notice of dissolution with the lieutenant governor's office.

429 (b) Any notice of dissolution filed by a political action committee does not exempt that
430 political action committee from complying with the financial reporting requirements of this

431 chapter.

432 (5) (a) Unless the political action committee has filed a notice of dissolution under
433 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
434 notice of any change of an officer described in Subsection (2)(a).

435 (b) Notice of a change of a primary officer described in Subsection (2)(a) shall:

436 (i) be filed within 10 days of the date of the change; and

437 (ii) contain the name and title of the officer being replaced, and the name, street
438 address, occupation, and title of the new officer.

439 (6) (a) A person is guilty of providing false information in relation to a political action
440 committee if the person intentionally or knowingly gives false or misleading material
441 information in the statement of organization or the notice of change of primary officer.

442 (b) Each primary officer designated in Subsection (2)(a) is guilty of accepting an
443 unlawful contribution if the political action committee knowingly or recklessly accepts a
444 contribution from a corporation that:

445 (i) was organized less than 90 days before the date of the general election; and

446 (ii) at the time the political action committee accepts the contribution, has failed to file
447 a statement of organization with the lieutenant governor's office as required by Section
448 [20A-11-704](#).

449 (c) A violation of this Subsection (6) is a third degree felony.

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

451 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

459 (iv) on September 30; and

460 (v) seven days before:

461 (A) the municipal general election; and

- 462 (B) the regular general election date.
- 463 (b) The registered political action committee shall report:
 - 464 (i) a detailed listing of all contributions received and expenditures made since the last
 - 465 statement; and
 - 466 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
 - 467 contributions and expenditures as of five days before the required filing date of the financial
 - 468 statement.
- 469 (c) The registered political action committee need not file a statement under this
- 470 section if it received no contributions and made no expenditures during the reporting period.
- 471 (2) (a) The verified financial statement shall include:
 - 472 (i) the name and address of any individual who makes a contribution to the reporting
 - 473 political action committee, if known, and the amount of the contribution;
 - 474 (ii) the identification of any publicly identified class of individuals that makes a
 - 475 contribution to the reporting political action committee, if known, and the amount of the
 - 476 contribution;
 - 477 (iii) the name and address of any political action committee, group, or entity, if known,
 - 478 that makes a contribution to the reporting political action committee, and the amount of the
 - 479 contribution;
 - 480 (iv) for each nonmonetary contribution, the fair market value of the contribution;
 - 481 (v) the name and address of each reporting entity that received an expenditure from the
 - 482 reporting political action committee, and the amount of each expenditure;
 - 483 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
 - 484 (vii) the total amount of contributions received and expenditures disbursed by the
 - 485 reporting political action committee;
 - 486 (viii) a statement by the political action committee's treasurer or chief financial officer
 - 487 certifying that, to the best of the person's knowledge, the financial report is accurate; and
 - 488 (ix) a summary page in the form required by the lieutenant governor that identifies:
 - 489 (A) beginning balance;
 - 490 (B) total contributions during the period since the last statement;
 - 491 (C) total contributions to date;
 - 492 (D) total expenditures during the period since the last statement; and

493 (E) total expenditures to date.

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

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

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

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

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

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

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

507 (b) A political action committee shall report each contribution to the lieutenant
508 governor within [~~30~~] 31 days after the contribution is received.

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

511 (a) is cash or a negotiable instrument;

512 (b) exceeds \$50; and

513 (c) is from an unknown source.

514 (6) Within 31 days after receiving a contribution that is cash or a negotiable
515 instrument, exceeds \$50, and is from an unknown source, a political action committee shall
516 disburse the amount of the contribution to:

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

519 (b) an organization that is exempt from federal income taxation under Section
520 501(c)(3), Internal Revenue Code.

521 Section 9. Section **20A-11-704** is amended to read:

522 **20A-11-704. Statement of organization required for certain new corporations.**

523 (1) A corporation that is incorporated, organized, or otherwise created less than 90 days

524 before the date of a general election shall file a statement of organization with the lieutenant
525 governor's office before making a contribution to a political action committee or a political
526 issues committee in association with the election.

527 (2) The statement of organization shall include:

528 (a) the name and street address of the corporation;

529 (b) the name, street address, phone number, occupation, and title of one or more
530 individuals that have primary decision-making authority for the corporation;

531 (c) the name, street address, phone number, occupation, and title of the corporation's
532 chief financial officer;

533 (d) the name, street address, occupation, and title of all other officers or managers of
534 the corporation; and

535 (e) the name, street address, and occupation of each member of the corporation's
536 governing and advisory boards, if any.

537 (3) (a) A corporation shall file with the lieutenant governor's office a notice of intent to
538 cease making contributions, if the corporation:

539 (i) has made a contribution described in Subsection (1); and

540 (ii) intends to permanently cease making contributions described in Subsection (1).

541 (b) A notice filed under Subsection (3)(a) does not exempt the corporation from
542 complying with the financial reporting requirements described in this chapter.

543 Section 10. Section **20A-11-705** is amended to read:

544 **20A-11-705. Notice of in-kind contributions.**

545 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in
546 accordance with Subsection (2), provide the reporting entity a written notice that includes:

547 (a) the name and address of the corporation;

548 (b) the date of the in-kind expenditure;

549 (c) a description of the in-kind expenditure; and

550 (d) the value, in dollars, of the in-kind expenditure.

551 (2) A corporation shall provide the written notice described in Subsection (1) to the
552 reporting entity:

553 (a) except as provided in Subsection (2)(b), within [~~30~~] 31 days after the day on which
554 the corporation makes the in-kind contribution; or

555 (b) within three business days after the day on which the corporation makes the in-kind
556 contribution, if:

557 (i) the in-kind contribution is to a candidate who is contested in a convention and the
558 corporation makes the in-kind contribution within 30 days before the day on which the
559 convention is held;

560 (ii) the in-kind contribution is to a candidate who is contested in a primary election and
561 the corporation makes the in-kind contribution within 30 days before the day on which the
562 primary election is held; or

563 (iii) the in-kind contribution is to a candidate who is contested in a general election and
564 the corporation makes the in-kind contribution within 30 days before the day on which the
565 general election is held.

566 (3) A corporation that provides, and a reporting entity that receives, the written notice
567 described in Subsection (1) shall retain a copy of the notice for five years after the day on
568 which the written notice is provided to the reporting entity.

569 (4) A corporation or reporting entity that fails to comply with the requirements of this
570 section is guilty of a class B misdemeanor.

571 (5) A person that intentionally or knowingly provides, or conspires to provide, false
572 information on a written notice described in this section is guilty of a class B misdemeanor.

573 Section 11. Section **20A-11-801** is amended to read:

574 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
575 **providing false information or accepting unlawful contribution.**

576 (1) (a) Each political issues committee shall file a statement of organization with the
577 lieutenant governor's office by January 10 of each year, unless the political issues committee
578 has filed a notice of dissolution under Subsection (4).

579 (b) If a political issues committee is organized after the January 10 filing date, the
580 political issues committee shall file an initial statement of organization no later than seven days
581 after:

582 (i) receiving political issues contributions totaling at least \$750; or

583 (ii) disbursing political issues expenditures totaling at least \$750.

584 (c) Each political issues committee shall deposit each contribution received into one or
585 more separate accounts in a financial institution that are dedicated only to that purpose.

586 (2) Each political issues committee shall designate two officers that have primary
587 decision-making authority for the political issues committee.

588 (3) The statement of organization shall include:

589 (a) the name and street address of the political issues committee;

590 (b) the name, street address, phone number, occupation, and title of the two primary
591 officers designated under Subsection (2);

592 (c) the name, street address, occupation, and title of all other officers of the political
593 issues committee;

594 (d) the name and street address of the organization, individual, corporation,
595 association, unit of government, or union that the political issues committee represents, if any;

596 (e) the name and street address of all affiliated or connected organizations and their
597 relationships to the political issues committee;

598 (f) the name, street address, business address, occupation, and phone number of the
599 committee's treasurer or chief financial officer;

600 (g) the name, street address, and occupation of each member of the supervisory and
601 advisory boards, if any; and

602 (h) the ballot proposition whose outcome they wish to affect, and whether they support
603 or oppose it.

604 (4) (a) Any registered political issues committee that intends to permanently cease
605 operations during a calendar year shall:

606 (i) dispose of all remaining funds by returning the funds to donors or donating the
607 funds to an organization that is exempt from federal income taxation under Section 501(c)(3),
608 Internal Revenue Code; and

609 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the
610 lieutenant governor's office.

611 (b) Any notice of dissolution filed by a political issues committee does not exempt that
612 political issues committee from complying with the financial reporting requirements of this
613 chapter.

614 (5) (a) Unless the political issues committee has filed a notice of dissolution under
615 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
616 notice of any change of an officer described in Subsection (2).

617 (b) Notice of a change of a primary officer described in Subsection (2) shall:
618 (i) be filed within 10 days of the date of the change; and
619 (ii) contain the name and title of the officer being replaced and the name, street
620 address, occupation, and title of the new officer.

621 (6) (a) A person is guilty of providing false information in relation to a political issues
622 committee if the person intentionally or knowingly gives false or misleading material
623 information in the statement of organization or the notice of change of primary officer.

624 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
625 contribution if the political issues committee knowingly or recklessly accepts a contribution
626 from a corporation that:

627 (i) was organized less than 90 days before the date of the general election; and
628 (ii) at the time the political issues committee accepts the contribution, has failed to file
629 a statement of organization with the lieutenant governor's office as required by Section
630 [20A-11-704](#).

631 (c) A violation of this Subsection (6) is a third degree felony.

632 Section 12. Section **20A-11-802** is amended to read:

633 **20A-11-802. Political issues committees -- Financial reporting.**

634 (1) (a) Each registered political issues committee that has received political issues
635 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
636 \$750, during a calendar year, shall file a verified financial statement with the lieutenant
637 governor's office:

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

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

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

642 (iv) seven days before the date of an incorporation election, if the political issues
643 committee has received donations or made disbursements to affect an incorporation;

644 (v) at least three days before the first public hearing held as required by Section
645 [20A-7-204.1](#);

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

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

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

650 (vii) on September 30; and

651 (viii) seven days before:

652 (A) the municipal general election; and

653 (B) the regular general election.

654 (b) The political issues committee shall report:

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

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

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

661 (2) (a) That statement shall include:

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

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

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

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

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

675 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
676 entity, or group of individuals or entities that received a political issues expenditure of more
677 than \$50 from the reporting political issues committee, and the amount of each political issues
678 expenditure;

- 679 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 680 (viii) the total amount of political issues contributions received and political issues
681 expenditures disbursed by the reporting political issues committee;
- 682 (ix) a statement by the political issues committee's treasurer or chief financial officer
683 certifying that, to the best of the person's knowledge, the financial statement is accurate; and
- 684 (x) a summary page in the form required by the lieutenant governor that identifies:
- 685 (A) beginning balance;
- 686 (B) total contributions during the period since the last statement;
- 687 (C) total contributions to date;
- 688 (D) total expenditures during the period since the last statement; and
- 689 (E) total expenditures to date.
- 690 (b) (i) Political issues contributions received by a political issues committee that have a
691 value of \$50 or less need not be reported individually, but shall be listed on the report as an
692 aggregate total.
- 693 (ii) Two or more political issues contributions from the same source that have an
694 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
695 separately.
- 696 (c) When reporting political issue expenditures made to circulators of initiative
697 petitions, the political issues committee:
- 698 (i) need only report the amount paid to each initiative petition circulator; and
- 699 (ii) need not report the name or address of the circulator.
- 700 (3) (a) As used in this Subsection (3), "received" means:
- 701 (i) for a cash contribution, that the cash is given to a political issues committee;
- 702 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
703 instrument or check is negotiated; and
- 704 (iii) for any other type of contribution, that any portion of the contribution's benefit
705 inures to the political issues committee.
- 706 (b) A political issues committee shall report each contribution to the lieutenant
707 governor within [~~30~~] 31 days after the contribution is received.
- 708 (4) A political issues committee may not expend a contribution for a political issues
709 expenditure if the contribution:

- 710 (a) is cash or a negotiable instrument;
- 711 (b) exceeds \$50; and
- 712 (c) is from an unknown source.

713 (5) Within 31 days after receiving a contribution that is cash or a negotiable
714 instrument, exceeds \$50, and is from an unknown source, a political issues committee shall
715 disburse the amount of the contribution to:

- 716 (a) the treasurer of the state or a political subdivision for deposit into the state's or
717 political subdivision's general fund; or
- 718 (b) an organization that is exempt from federal income taxation under Section
719 501(c)(3), Internal Revenue Code.

720 Section 13. Section **20A-11-803** is amended to read:

721 **20A-11-803. Criminal penalties -- Fines.**

722 (1) (a) Each political issues committee that fails to file a financial statement before the
723 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).

724 (b) Each political issues committee that fails to file a financial statement described in
725 Subsection [20A-11-802\(1\)\(a\)\(vii\)](#) or (viii) is guilty of a class B misdemeanor.

726 ~~[(b)]~~ (c) The lieutenant governor shall report all violations of Subsection (1)~~[(a)]~~(b) to
727 the attorney general.

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

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

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

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

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

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

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

748 Section 14. Section **20A-11-1005** is amended to read:

749 **20A-11-1005. Fines for failing to file a financial statement.**

750 (1) Except as provided in [~~Subsections~~] Subsection 20A-11-512~~[(1)(b) and]~~ (4), the
751 chief election officer shall fine a filing entity \$100 for failing to file a financial statement by the
752 filing deadline.

753 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a
754 manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine
755 against the candidate or treasurer, as appropriate.

756 (3) The chief election officer shall deposit fines collected under this chapter in the
757 General Fund.

758 Section 15. Section **20A-11-1301** is amended to read:

759 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
760 **Candidate as a political action committee officer -- No personal use -- Contribution**
761 **reporting deadline -- Report other accounts -- Anonymous contributions.**

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

765 (ii) A school board office candidate may:

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

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

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

772 (i) a personal use expenditure; or

773 (ii) an expenditure prohibited by law.

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

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

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

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

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

790 (6) (a) As used in this Subsection (6), "received" means the same as that term is
791 defined in Subsection 20A-11-1303(1)(a).

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

794 (i) except as provided in Subsection (6)(b)(ii), within ~~[30]~~ 31 days after the day on
795 which the contribution or public service assistance is received; or

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

798 (A) the school board office candidate is contested in a convention and the contribution
799 or public service assistance is received within 30 days before the day on which the convention
800 is held;

801 ~~[(A)]~~ (B) the school board office candidate is contested in a primary election and the
802 contribution or public service assistance is received within 30 days before the day on which the

803 primary election is held; or

804 ~~[(B)]~~ (C) the school board office candidate is contested in a general election and the
805 contribution or public service assistance is received within 30 days before the day on which the
806 general election is held.

807 (c) For each contribution or provision of public service assistance that a school board
808 office candidate fails to report within the time period described in Subsection (6)(b), the chief
809 election officer shall impose a fine against the school board office candidate in an amount
810 equal to:

811 (i) (A) 10% of the amount of the contribution, if the school board office candidate
812 reports the contribution within 60 days after the day on which the time period described in
813 Subsection (6)(b) ends; or

814 (B) 20% of the amount of the contribution, if the school board office candidate fails to
815 report the contribution within 60 days after the day on which the time period described in
816 Subsection (6)(b) ends; or

817 (ii) (A) 10% of the value of the public service assistance, if the school board office
818 candidate reports the public service assistance within 60 days after the day on which the time
819 period described in Subsection (6)(b) ends; or

820 (B) 20% of the amount of the public service assistance, if the school board office
821 candidate fails to report the public service assistance within 60 days after the day on which the
822 time period described in Subsection (6)(b) ends.

823 (d) The chief election officer shall:

824 (i) deposit money received under Subsection (6)(c) into the General Fund; and

825 (ii) report on the chief election officer's website, in the location where reports relating
826 to each school board office candidate are available for public access:

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

829 (B) the amount of the fine;

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

831 (D) the date of the contribution.

832 (7) Within ~~[30]~~ 31 days after receiving a contribution that is cash or a negotiable
833 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall

834 disburse the contribution to:

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

837 (b) an organization that is exempt from federal income taxation under Section
838 501(c)(3), Internal Revenue Code.

839 (8) (a) As used in this Subsection (8), "account" means an account in a financial
840 institution:

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

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

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

848 (i) a contribution deposited in an account:

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

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

851 (ii) an expenditure made from an account:

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

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

854 Section 16. Section **20A-11-1502** is amended to read:

855 **20A-11-1502. Campaign financial reporting of expenditures -- Filing**

856 **requirements -- Statement contents.**

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

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

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

862 (iii) on September 30; and

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

864 (b) The labor organization shall report:

- 865 (i) a detailed listing of all expenditures made since the last statement; and
866 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
867 expenditures as of five days before the required filing date of the financial statement.
- 868 (c) The labor organization [~~need not~~] is not required to file a financial statement under
869 this section if the labor organization:
- 870 (i) made no expenditures during the reporting period; or
871 (ii) reports [~~its~~] the labor organization's expenditures during the reporting period under
872 another part of this chapter.
- 873 (2) The financial statement shall include:
- 874 (a) the name and address of each reporting entity that received an expenditure or
875 political issues expenditure of more than \$50 from the labor organization, and the amount of
876 each expenditure or political issues expenditure;
- 877 (b) the total amount of expenditures disbursed by the labor organization; and
878 (c) a statement by the labor organization's treasurer or chief financial officer certifying
879 the accuracy of the financial statement.

880 Section 17. Section **20A-11-1703** is amended to read:

881 **20A-11-1703. Exceptions.**

882 (1) A registered political party is not required to comply with the requirements of this
883 part.

884 (2) A reporting entity is not required to report an independent expenditure under this
885 part if the reporting party:

886 (a) reports the expenditure under another part in this chapter; and

887 (b) in the report described in Subsection (2)(a):

888 (i) identifies the expenditure as an independent expenditure; and

889 (ii) provides the information, described in Section [20A-11-1704](#), in relation to the
890 independent expenditure.

891 Section 18. Section **20A-11-1704** is amended to read:

892 **20A-11-1704. Independent expenditure report.**

893 (1) Except as provided in Section [20A-11-1703](#), within [~~30~~] 31 days after the day on
894 which a person has made a total of at least \$1,000 in independent expenditures during an
895 election cycle, the person shall file an independent expenditure report with the chief election

896 officer.

897 (2) Except as provided in Section 20A-11-1703, within [~~30~~] 31 days after the day on
898 which a person has made a total of at least \$1,000 in independent expenditures during an
899 election cycle that were not reported in an independent expenditure report already filed with the
900 chief election officer during the same election cycle, the person shall file another independent
901 expenditure report with the chief election officer.

902 (3) An independent expenditure report shall include the following information:

903 (a) if the person who made the independent expenditures is an individual, the person's
904 name, address, and phone number;

905 (b) if the person who made the independent expenditures is not an individual:

906 (i) the person's name, address, and phone number; and

907 (ii) the name, address, and phone number of an individual who may be contacted by the
908 chief election officer in relation to the independent expenditure report; and

909 (c) for each independent expenditure made by the person during the current election
910 cycle that was not reported in a previous independent expenditure report:

911 (i) the date of the independent expenditure;

912 (ii) the amount of the independent expenditure;

913 (iii) the candidate or ballot proposition for which the independent expenditure
914 expressly advocates the success or defeat and a description of whether the independent
915 expenditure supports or opposes the candidate or ballot proposition;

916 (iv) the identity, address, and phone number of the person to whom the independent
917 expenditure was made;

918 (v) a description of the goods or services obtained by the independent expenditure; and

919 (vi) for each person who, for political purposes, made cumulative donations of \$1,000
920 or more during the current election cycle to the filer of the independent expenditure report:

921 (A) the identity, address, and phone number of the person;

922 (B) the date of the donation; and

923 (C) the amount of the donation.

924 (4) (a) If the person filing an independent expenditure report is an individual, the
925 person shall sign the independent expenditure report and certify that the information contained
926 in the report is complete and accurate.

927 (b) If the person filing an independent expenditure report is not an individual:
928 (i) the person filing the independent expenditure report shall designate an authorized
929 individual to sign the independent expenditure report on behalf of the person; and

930 (ii) the individual designated under Subsection (4)(b)(i) shall sign the independent
931 expenditure report and certify that the information contained in the report is complete and
932 accurate.

933 (5) If a person who files an independent expenditure report previously filed an
934 independent expenditure report during, or in relation to, the same election cycle that includes
935 information, described in Subsection (3)(a) or (b), that has changed since the person filed the
936 previous independent expenditure report, the person shall include in the most recent
937 independent expenditure report a description of the information that has changed that includes
938 both the old information and the new information.

939 (6) An independent expenditure report is a public record under Title 63G, Chapter 2,
940 Government Records Access and Management Act.

941 Section 19. Section **20A-12-303** is amended to read:

942 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

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

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

947 (3) (a) As used in this Subsection (3) and Section [20A-12-305](#), "received" means:

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

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

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

954 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
955 governor each contribution received by the judge, within [~~30~~] 31 days after the day on which
956 the contribution is received.

957 (c) For each contribution that a judge fails to report within the time period described in

958 Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an amount
959 equal to:

960 (i) 10% of the amount of the contribution if the judge reports the contribution within
961 60 days after the day on which the time period described in Subsection (3)(b) ends; or

962 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution
963 within 60 days after the day on which the time period described in Subsection (3)(b) ends.

964 (d) The lieutenant governor shall:

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

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

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

969 (B) the amount of the fine;

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

971 (D) the date of the contribution.

972 (4) Within [~~30~~] 31 days after receiving a contribution that is cash or a negotiable
973 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal
974 campaign committee shall disburse the amount of the contribution to:

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

977 (b) an organization that is exempt from federal income taxation under Section
978 501(c)(3), Internal Revenue Code.

Legislative Review Note
Office of Legislative Research and General Counsel