

CAMPAIGN FINANCE REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: Brad M. Daw

LONG TITLE

General Description:

This bill amends provisions of law related to campaign finance and financial disclosures by candidates and officeholders.

Highlighted Provisions:

This bill:

- ▶ requires a disqualified municipal, county, or local school board candidate to file a campaign finance statement after disqualification;
- ▶ clarifies which campaign finance and disclosure requirements relate to candidates and which relate to officeholders;
- ▶ modifies certain reporting dates for interim campaign finance reports;
- ▶ permits the lieutenant governor to waive a fine under certain circumstances; and
- ▶ modifies campaign finance reporting requirements for county political parties, political action committees, political issues committees, and corporations.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-208, as last amended by Laws of Utah 2016, Chapters 94 and 409

17-16-6.5, as last amended by Laws of Utah 2016, Chapters 16 and 409

- 29 **20A-11-201**, as last amended by Laws of Utah 2018, Chapter 83
- 30 **20A-11-203**, as last amended by Laws of Utah 2016, Chapter 409
- 31 **20A-11-204**, as last amended by Laws of Utah 2016, Chapters 16 and 409
- 32 **20A-11-206**, as last amended by Laws of Utah 2016, Chapter 16
- 33 **20A-11-301**, as last amended by Laws of Utah 2018, Chapter 83
- 34 **20A-11-302**, as last amended by Laws of Utah 2016, Chapter 409
- 35 **20A-11-303**, as last amended by Laws of Utah 2016, Chapters 16 and 409
- 36 **20A-11-402**, as last amended by Laws of Utah 2013, Chapter 320
- 37 **20A-11-403**, as last amended by Laws of Utah 2016, Chapter 28
- 38 **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225
- 39 **20A-11-507**, as last amended by Laws of Utah 2015, Chapter 204
- 40 **20A-11-510**, as last amended by Laws of Utah 2018, Chapter 83
- 41 **20A-11-511**, as last amended by Laws of Utah 2018, Chapter 83
- 42 **20A-11-512**, as last amended by Laws of Utah 2018, Chapter 83
- 43 **20A-11-602**, as last amended by Laws of Utah 2018, Chapter 83
- 44 **20A-11-603**, as last amended by Laws of Utah 2015, Chapter 204
- 45 **20A-11-803**, as last amended by Laws of Utah 2018, Chapter 83
- 46 **20A-11-1301**, as last amended by Laws of Utah 2018, Chapter 83
- 47 **20A-11-1302**, as last amended by Laws of Utah 2016, Chapter 409
- 48 **20A-11-1303**, as last amended by Laws of Utah 2016, Chapters 28 and 409

49 ENACTS:

50 **20A-11-701.1**, Utah Code Annotated 1953

51 RENUMBERS AND AMENDS:

52 **20A-11-701.5**, (Renumbered from 20A-11-701, as last amended by Laws of Utah 2017,
53 Chapter 276)



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

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

57 **10-3-208. Campaign finance disclosure in municipal election.**

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

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

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

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

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

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

66 (v) a political consultant of a candidate.

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

68 (i) \$50; or

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

70 (c) (i) "Candidate" means a person who:

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

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

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

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

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

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

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

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

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

86 (F) an in-kind contribution.

87 (ii) "Contribution" does not include:

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

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

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

95 (e) "Coordinated with" means that goods or services provided for the benefit of a
96 candidate are provided:

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

98 (ii) by agreement with the candidate;

99 (iii) in coordination with the candidate; or

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

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

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

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

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

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

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

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

116 (ii) "Expenditure" does not include:

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

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

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

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

126 (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i),
127 where the person:

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

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

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

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

- 137 (j) "Reporting entity" means:
- 138 (i) a candidate;
- 139 (ii) a committee appointed by a candidate to act for the candidate;
- 140 (iii) a person who holds an elected municipal office;
- 141 (iv) a party committee as defined in Section 20A-11-101;
- 142 (v) a political action committee as defined in Section 20A-11-101;
- 143 (vi) a political issues committee as defined in Section 20A-11-101;
- 144 (vii) a corporation as defined in Section 20A-11-101; or
- 145 (viii) a labor organization as defined in Section 20A-11-1501.
- 146 (2) (a) A municipality may adopt an ordinance establishing campaign finance
- 147 disclosure requirements for a candidate that are more stringent than the requirements provided
- 148 in Subsections (3) [~~and~~], (4), and (5).
- 149 (b) The municipality may adopt definitions that are more stringent than those provided
- 150 in Subsection (1).
- 151 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described
- 152 in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained
- 153 in Subsections (3) [~~and~~], (4), and (5).
- 154 (3) (a) Each candidate:
- 155 (i) shall deposit a contribution in a separate campaign account in a financial institution;
- 156 and
- 157 (ii) may not deposit or mingle any campaign contributions received into a personal or
- 158 business account.
- 159 (b) In a year in which a municipal primary is held, each candidate who will participate
- 160 in the municipal primary shall file a campaign finance statement with the municipal clerk or
- 161 recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).
- 162 (c) Each candidate who is not eliminated at a municipal primary election shall file with
- 163 the municipal clerk or recorder a campaign finance statement:

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

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

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

170 (4) Each campaign finance statement described in Subsection (3) shall:

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

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

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

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

178 (ii) identify:

179 (A) for each contribution, the amount of the contribution and the name of the donor, if
180 known; and

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

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

185 ~~[(c)]~~ (5) Within 30 days after receiving a contribution that is cash or a negotiable
186 instrument, exceeds the anonymous contribution limit, and is from a donor whose name is
187 unknown, a candidate shall disburse the amount of the contribution to:

188 ~~[(i)]~~ (a) the treasurer of the state or a political subdivision for deposit into the state's or
189 political subdivision's general fund; or

190 ~~[(i)]~~ (b) an organization that is exempt from federal income taxation under Section

191 501(c)(3), Internal Revenue Code.

192 ~~[(5)]~~ (6) (a) A municipality may, by ordinance:

193 (i) provide an anonymous contribution limit less than \$50;

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

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

198 (b) A candidate is subject to the provisions of this section and not the provisions of an
199 ordinance adopted by the municipality under Subsection ~~[(5)]~~ (6)(a) if:

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

202 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
203 ordinance as required in Subsection ~~[(6)]~~ (7).

204 ~~[(6)]~~ (7) Each municipal clerk or recorder shall, at the time the candidate for municipal
205 office files a declaration of candidacy, and again 14 days before each municipal general
206 election, notify the candidate in writing of:

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

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

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

214 ~~[(7)]~~ (8) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
215 Access and Management Act, the municipal clerk or recorder shall:

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

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

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

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

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

227 [~~(8)~~] (9) (a) If a candidate fails to timely file a campaign finance statement required
228 under Subsection (3), the municipal clerk or recorder shall inform the appropriate election
229 official who:

230 (i) shall:

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

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

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

237 (b) Notwithstanding Subsection [~~(8)~~] (9)(a), a candidate who timely files each
238 campaign finance statement required under Subsection (3) is not disqualified if:

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

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

243 (c) A candidate for municipal office who is disqualified under Subsection (9)(a) shall
244 file with the municipal clerk or recorder a complete and accurate campaign finance statement

245 within 30 days after the day on which the candidate is disqualified.

246 [~~9~~] (10) A campaign finance statement required under this section is considered filed
247 if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.

248 [~~10~~] (11) (a) A private party in interest may bring a civil action in district court to
249 enforce the provisions of this section or an ordinance adopted under this section.

250 (b) In a civil action under Subsection [~~10~~] (11)(a), the court may award costs and
251 attorney fees to the prevailing party.

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

253 **17-16-6.5. Campaign financial disclosure in county elections.**

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

256 (i) candidates for county office; and

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

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

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

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

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

265 (A) for each contribution, the name of the donor of the contribution, if known, and the
266 amount of the contribution; and

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

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

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

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

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

278 (B) an organization that is exempt from federal income taxation under Section
279 501(c)(3), Internal Revenue Code.

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

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

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

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

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

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

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

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

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

299 and

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

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

305 (a) seven days before the date of the regular general election, reporting each
306 contribution and each expenditure as of 10 days before the date of the regular general election;
307 and

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

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

310 (i) a list of each contribution received by the candidate, and the name of the donor, if
311 known; and

312 (ii) a list of each expenditure for political purposes made during the campaign period,
313 and the recipient of each expenditure.

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

315 (i) a list of each contribution received after the cutoff date for the statement filed seven
316 days before the election, and the name of the donor; and

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

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

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

323 (ii) into which or from which a person who, as a candidate for an office, other than a
324 county office for which the person filed a declaration of candidacy or federal office, or as a
325 holder of an office, other than a county office for which the person filed a declaration of

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

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

329 (i) a contribution deposited in an account:

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

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

332 (ii) an expenditure made from an account:

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

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

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

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

340 (b) an organization that is exempt from federal income taxation under Section
341 501(c)(3), Internal Revenue Code.

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

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

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

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

349 (ii) impose additional penalties.

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

352 (11) If a candidate fails to file an interim report due before the election, the county

353 clerk:

354 (a) may send an electronic notice to the candidate and the political party of which the
355 candidate is a member, if any, that states:

356 (i) that the candidate failed to timely file the report; and

357 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
358 filing the report, the candidate will be disqualified and the political party will not be permitted
359 to replace the candidate; and

360 (b) impose a fine of \$100 on the candidate.

361 (12) (a) The county clerk shall disqualify a candidate and inform the appropriate
362 election officials that the candidate is disqualified if the candidate fails to file an interim report
363 described in Subsection (11) within 24 hours after the deadline for filing the report.

364 (b) The political party of a candidate who is disqualified under Subsection (12)(a) may
365 not replace the candidate.

366 (c) A candidate who is disqualified under Subsection (12)(a) shall file with the county
367 clerk a complete and accurate campaign finance statement within 30 days after the day on
368 which the candidate is disqualified.

369 (13) If a candidate is disqualified under Subsection (12)(a) the election official:

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

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

375 (b) may not count any votes for that candidate.

376 (14) An election official may fulfill the requirement described in Subsection (13)(a) in
377 relation to an absentee voter, including a military or overseas absentee voter, by including with
378 the absentee ballot a written notice directing the voter to a public website that will inform the
379 voter whether a candidate on the ballot is disqualified.

- 380 (15) A candidate is not disqualified if:
- 381 (a) the candidate files the interim reports described in Subsection (11) no later than 24
- 382 hours after the applicable deadlines for filing the reports;
- 383 (b) the reports are completed, detailing accurately and completely the information
- 384 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;
- 385 and
- 386 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
- 387 next scheduled report.
- 388 (16) (a) A report is considered timely filed if:
- 389 (i) the report is received in the county clerk's office no later than midnight, Mountain
- 390 Time, at the end of the day on which the report is due;
- 391 (ii) the report is received in the county clerk's office with a United States Postal Service
- 392 postmark three days or more before the date that the report was due; or
- 393 (iii) the candidate has proof that the report was mailed, with appropriate postage and
- 394 addressing, three days before the report was due.
- 395 (b) For a county clerk's office that is not open until midnight at the end of the day on
- 396 which a report is due, the county clerk shall permit a candidate to file the report via email or
- 397 another electronic means designated by the county clerk.
- 398 (17) (a) Any private party in interest may bring a civil action in district court to enforce
- 399 the provisions of this section or any ordinance adopted under this section.
- 400 (b) In a civil action filed under Subsection (17)(a), the court shall award costs and
- 401 attorney fees to the prevailing party.
- 402 (18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
- 403 Access and Management Act, the county clerk shall:
- 404 (a) make each campaign finance statement filed by a candidate available for public
- 405 inspection and copying no later than one business day after the statement is filed; and
- 406 (b) make the campaign finance statement filed by a candidate available for public

407 inspection by:

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

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

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

415 Section 3. Section 20A-11-201 is amended to read:

416 **20A-11-201. State office -- Separate bank account for campaign funds -- No**
417 **personal use -- State office candidate reporting deadline -- Report other accounts --**
418 **Anonymous contributions.**

419 (1) (a) Each state office candidate or the candidate's personal campaign committee
420 shall deposit each contribution [~~and public service assistance~~] received in one or more separate
421 campaign accounts in a financial institution.

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

424 (i) a personal use expenditure; or

425 (ii) an expenditure prohibited by law.

426 (c) Each state officeholder or the state officeholder's personal campaign committee
427 shall deposit each contribution and public service assistance received in one or more separate
428 campaign accounts in a financial institution.

429 (d) A state officeholder or a state officeholder's personal campaign committee may not
430 use money deposited in a campaign account for:

431 (i) a personal use expenditure; or

432 (ii) an expenditure prohibited by law.

433 (2) (a) A state office candidate or the candidate's personal campaign committee may

434 not deposit or mingle any contributions received into a personal or business account.

435 (b) A state officeholder or the state officeholder's personal campaign committee may
436 not deposit or mingle any contributions or public service assistance received into a personal or
437 business account.

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

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

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

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

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

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

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

457 (b) Each state office candidate shall report to the lieutenant governor each contribution
458 [~~and public service assistance~~] received by the state office candidate:

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

461 (ii) within three business days after the day on which the contribution [~~or public service~~
462 ~~assistance~~] is received, if:

463 (A) the state office candidate is contested in a convention and the contribution [~~or~~
464 ~~public service assistance~~] is received within 30 days before the day on which the convention is
465 held;

466 (B) the state office candidate is contested in a primary election and the contribution [~~or~~
467 ~~public service assistance~~] is received within 30 days before the day on which the primary
468 election is held; or

469 (C) the state office candidate is contested in a general election and the contribution [~~or~~
470 ~~public service assistance~~] is received within 30 days before the day on which the general
471 election is held.

472 (c) [~~For~~] Except as provided in Subsection (5)(d), for each contribution [~~or provision of~~
473 ~~public service assistance~~] that a state office candidate fails to report within the time period
474 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state
475 office candidate in an amount equal to:

476 (i) [~~(A)~~] 10% of the amount of the contribution, if the state office candidate reports the
477 contribution within 60 days after the day on which the time period described in Subsection
478 (5)(b) ends; or

479 [~~(B)~~] (ii) 20% of the amount of the contribution, if the state office candidate fails to
480 report the contribution within 60 days after the day on which the time period described in
481 Subsection (5)(b) ends[; ~~or~~].

482 [~~(ii) (A) 10% of the value of the public service assistance, if the state office candidate~~
483 ~~reports the public service assistance within 60 days after the day on which the time period~~
484 ~~described in Subsection (5)(b) ends; or]~~

485 [~~(B) 20% of the amount of the public service assistance, if the state office candidate~~
486 ~~fails to report the public service assistance within 60 days after the day on which the time~~
487 ~~period described in Subsection (5)(b) ends.]~~

488 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and
489 issue a warning to the state office candidate if:

490 (i) the contribution that the state office candidate fails to report is paid by the state
491 office candidate from the state office candidate's personal funds;

492 (ii) the state office candidate has not previously violated Subsection (5)(c) in relation to
493 a contribution paid by the state office candidate from the state office candidate's personal
494 funds; and

495 (iii) the lieutenant governor determines that the failure to timely report the contribution
496 is due to the state office candidate not understanding that the reporting requirement includes a
497 contribution paid by a state office candidate from the state office candidate's personal funds.

498 ~~(d)~~ (e) The lieutenant governor shall:

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

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

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

503 (B) the amount of the fine;

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

505 (D) the date of the contribution.

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

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

509 (ii) into which or from which a person who, as a candidate for an office, other than the
510 state office for which the person files a declaration of candidacy or federal office, or as a holder
511 of an office, other than a state office for which the person files a declaration of candidacy or
512 federal office, deposits a contribution or makes an expenditure.

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

- 515 (i) a contribution deposited in an account:
- 516 (A) since the last campaign finance statement was filed; or
- 517 (B) that has not been reported under a statute or ordinance that governs the account; or
- 518 (ii) an expenditure made from an account:
- 519 (A) since the last campaign finance statement was filed; or
- 520 (B) that has not been reported under a statute or ordinance that governs the account.
- 521 (7) Within 31 days after receiving a contribution that is cash or a negotiable
- 522 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse
- 523 the amount of the contribution to:
- 524 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 525 political subdivision's general fund; or
- 526 (b) an organization that is exempt from federal income taxation under Section
- 527 501(c)(3), Internal Revenue Code.
- 528 Section 4. Section **20A-11-203** is amended to read:
- 529 **20A-11-203. State office candidate -- Financial reporting requirements --**
- 530 **Year-end summary report.**
- 531 (1) (a) Each state office candidate shall file a summary report by January 10 of the year
- 532 after the regular general election year.
- 533 (b) In addition to the requirements of Subsection (1)(a), a former state office candidate
- 534 that has not filed the statement of dissolution and final summary report required under Section
- 535 **20A-11-205** shall continue to file a summary report on January 10 of each year.
- 536 (2) (a) Each summary report shall include the following information as of December 31
- 537 of the previous year:
- 538 (i) the net balance of the last financial statement, if any;
- 539 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
- 540 if any;
- 541 (iii) a single figure equal to the total amount of expenditures reported on all interim

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

543 (iv) a detailed listing of each contribution [~~and public service assistance~~] received since

544 the last summary report that has not been reported in detail on an interim report;

545 (v) for each nonmonetary contribution:

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

547 contributor; and

548 (B) a specific description of the contribution;

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

550 not been reported in detail on an interim report;

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

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

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

554 (ix) the name of a political action committee for which the state office candidate is

555 designated as an officer who has primary decision-making authority under Section

556 [20A-11-601](#).

557 (b) In preparing the report, all receipts and expenditures shall be reported as of

558 December 31 of the previous year.

559 (c) A check or negotiable instrument received by a state office candidate or a state

560 office candidate's personal campaign committee on or before December 31 of the previous year

561 shall be included in the summary report.

562 (3) An authorized member of the state office candidate's personal campaign committee

563 or the state office candidate shall certify in the summary report that, to the best of the person's

564 knowledge, all receipts and all expenditures have been reported as of December 31 of the

565 previous year and that there are no bills or obligations outstanding and unpaid except as set

566 forth in that report.

567 Section 5. Section **20A-11-204** is amended to read:

568 **20A-11-204. State office candidate and state officeholder -- Financial reporting**

569 **requirements -- Interim reports.**

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

572 ~~[(b)]~~ (1) Except as provided in Subsection ~~[(1)(c)]~~ (2), each state office candidate shall
 573 file an interim report at the following times in any year in which the candidate has filed a
 574 declaration of candidacy for a public office:

575 ~~[(i)(A)]~~ (a) (i) seven days before the candidate's political convention; or

576 ~~[(B)]~~ (ii) for an unaffiliated candidate, the fourth Saturday in March;

577 ~~[(ii)]~~ (b) seven days before the regular primary election date;

578 ~~[(iii)]~~ (c) September 30; and

579 ~~[(iv)]~~ (d) seven days before the regular general election date.

580 ~~[(e)]~~ (2) If a state office candidate is a state office candidate seeking appointment for a
 581 midterm vacancy, the state office candidate:

582 ~~[(i)]~~ (a) shall file an interim report:

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

586 (B) two days before the day on which the political party of the party for which the state
 587 office candidate seeks nomination meets to declare a nominee for the governor to appoint in
 588 accordance with Subsection 20A-1-504(1)(b)(i); or

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

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

595 (3) (a) As used in this Subsection (3), "campaign account" means a separate campaign

596 account required under Subsection 20A-11-201(1)(a) or (c).

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

601 (i) (A) seven days before the political convention for the political party of the state
 602 officeholder; or

603 (B) for an unaffiliated state officeholder, the fourth Saturday in March;

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

605 (iii) September 30; and

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

607 ~~[(2)]~~ (4) Each interim report shall include the following information:

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

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

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

613 (d) a detailed listing of:

614 (i) for a state office candidate, each contribution received since the last summary report
 615 that has not been reported in detail on a prior interim report; or

616 (ii) for a state officeholder, each contribution and public service assistance received
 617 since the last summary report that has not been reported in detail on a prior interim report;

618 (e) for each nonmonetary contribution:

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

621 (ii) a specific description of the contribution;

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

- 623 not been reported in detail on a prior interim report;
- 624 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 625 (h) a net balance for the year consisting of the net balance from the last summary
626 report, if any, plus all receipts since the last summary report minus all expenditures since the
627 last summary report;
- 628 (i) a summary page in the form required by the lieutenant governor that identifies:
- 629 (i) beginning balance;
- 630 (ii) total contributions and public service assistance received during the period since
631 the last statement;
- 632 (iii) total contributions and public service assistance received to date;
- 633 (iv) total expenditures during the period since the last statement; and
- 634 (v) total expenditures to date; and
- 635 (j) the name of a political action committee for which the state office candidate or state
636 officeholder is designated as an officer who has primary decision-making authority under
637 Section [20A-11-601](#).

638 ~~[(3)]~~ (5) (a) In preparing each interim report, all receipts and expenditures shall be
639 reported as of five days before the required filing date of the report.

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

643 Section 6. Section **20A-11-206** is amended to read:

644 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

645 (1) A state office candidate who fails to file a financial statement before the deadline is
646 subject to a fine imposed in accordance with Section [20A-11-1005](#).

647 (2) If a state office candidate fails to file an interim report described in Subsections
648 [20A-11-204\(1\)\(b\)](#)~~[(ii)]~~ through ~~[(iv)]~~ (d), the lieutenant governor may send an electronic notice
649 to the state office candidate and the political party of which the state office candidate is a

650 member, if any, that states:

651 (a) that the state office candidate failed to timely file the report; and

652 (b) that, if the state office candidate fails to file the report within 24 hours after the
653 deadline for filing the report, the state office candidate will be disqualified and the political
654 party will not be permitted to replace the candidate.

655 (3) (a) The lieutenant governor shall disqualify a state office candidate and inform the
656 county clerk and other appropriate election officials that the state office candidate is
657 disqualified if the state office candidate fails to file an interim report described in Subsections
658 20A-11-204(1)(b)~~[(ii)]~~ through ~~[(iv)]~~ (d) within 24 hours after the deadline for filing the report.

659 (b) The political party of a state office candidate who is disqualified under Subsection
660 (3)(a) may not replace the state office candidate.

661 (4) (a) If a state office candidate is disqualified under Subsection (3)(a), the election
662 official shall:

663 (i) remove the state office candidate's name from the ballot; or

664 (ii) if removing the state office candidate's name from the ballot is not practicable,
665 inform the voters by any practicable method that the state office candidate has been
666 disqualified and that votes cast for the state office candidate will not be counted.

667 (b) An election official may fulfill the requirement described in Subsection (4)(a) in
668 relation to an absentee voter, including a military or overseas absentee voter, by including with
669 the absentee ballot a written notice directing the voter to a public website that will inform the
670 voter whether a candidate on the ballot is disqualified.

671 (5) A state office candidate is not disqualified if:

672 (a) the state office candidate timely files the reports described in Subsections
673 20A-11-204(1)(b)~~[(ii)]~~ through ~~[(iv)]~~ (d) no later than 24 hours after the applicable deadlines
674 for filing the reports;

675 (b) the reports are completed, detailing accurately and completely the information
676 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;

677 and

678 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
679 an amended report or the next scheduled report.

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

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

683 and

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

685 (b) If it appears that any state office candidate has failed to file the summary report
686 required by law, if it appears that a filed summary report does not conform to the law, or if the
687 lieutenant governor has received a written complaint alleging a violation of the law or the
688 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
689 violation or receipt of a written complaint, notify the state office candidate of the violation or
690 written complaint and direct the state office candidate to file a summary report correcting the
691 problem.

692 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary
693 report within seven days after receiving notice from the lieutenant governor described in this
694 Subsection (6).

695 (ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B
696 misdemeanor.

697 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
698 attorney general.

699 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
700 governor shall impose a civil fine of \$100 against a state office candidate who violates
701 Subsection (6)(c)(i).

702 Section 7. Section **20A-11-301** is amended to read:

703 **20A-11-301. Legislative office -- Campaign finance requirements -- Candidate as**

704 **a political action committee officer -- No personal use -- Contribution reporting deadline**
705 **-- Report other accounts -- Anonymous contributions.**

706 (1) (a) (i) Each legislative office candidate shall deposit each contribution [~~and public~~
707 ~~service assistance~~] received in one or more separate accounts in a financial institution that are
708 dedicated only to that purpose.

709 (ii) A legislative office candidate may:

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

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

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

716 (i) a personal use expenditure; or

717 (ii) an expenditure prohibited by law.

718 (c) (i) Each legislative officeholder shall deposit each contribution and public service
719 assistance received in one or more separate accounts in a financial institution that are dedicated
720 only to that purpose.

721 (ii) A legislative officeholder may:

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

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

726 (d) A legislative officeholder or the legislative officeholder's personal campaign
727 committee may not use money deposited in an account described in Subsection (1)(c)(i) for:

728 (i) a personal use expenditure; or

729 (ii) an expenditure prohibited by law.

730 (2) (a) A legislative office candidate may not deposit or mingle any contributions [~~or~~

731 ~~public service assistance]~~ received into a personal or business account.

732 (b) A legislative officeholder may not deposit or mingle any contributions or public
733 service assistance received into a personal or business account.

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

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

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

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

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

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

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

753 (b) Each legislative office candidate shall report to the lieutenant governor each
754 contribution [~~and public service assistance]~~ received by the legislative office candidate:

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

757 (ii) within three business days after the day on which the contribution [~~or public service~~

758 assistance] is received, if:

759 (A) the legislative office candidate is contested in a convention and the contribution [~~or~~
760 ~~public service assistance~~] is received within 30 days before the day on which the convention is
761 held;

762 (B) the legislative office candidate is contested in a primary election and the
763 contribution [~~or public service assistance~~] is received within 30 days before the day on which
764 the primary election is held; or

765 (C) the legislative office candidate is contested in a general election and the
766 contribution [~~or public service assistance~~] is received within 30 days before the day on which
767 the general election is held.

768 (c) ~~[For]~~ Except as provided in Subsection (5)(d), for each contribution [~~or provision of~~
769 ~~public service assistance~~] that a legislative office candidate fails to report within the time
770 period described in Subsection (5)(b), the lieutenant governor shall impose a fine against the
771 legislative office candidate in an amount equal to:

772 (i) ~~[(A)]~~ 10% of the amount of the contribution, if the legislative office candidate
773 reports the contribution within 60 days after the day on which the time period described in
774 Subsection (5)(b) ends; or

775 ~~[(B)]~~ (ii) 20% of the amount of the contribution, if the legislative office candidate fails
776 to report the contribution within 60 days after the day on which the time period described in
777 Subsection (5)(b) ends~~;~~ ~~or~~.

778 ~~[(ii) (A) 10% of the value of the public service assistance, if the legislative office~~
779 ~~candidate reports the public service assistance within 60 days after the day on which the time~~
780 ~~period described in Subsection (5)(b) ends; or]~~

781 ~~[(B) 20% of the amount of the public service assistance, if the legislative office~~
782 ~~candidate fails to report the public service assistance within 60 days after the day on which the~~
783 ~~time period described in Subsection (5)(b) ends.]~~

784 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and

785 issue a warning to the legislative office candidate if:

786 (i) the contribution that the legislative office candidate fails to report is paid by the
787 legislative office candidate from the legislative office candidate's personal funds;

788 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in
789 relation to a contribution paid by the legislative office candidate from the legislative office
790 candidate's personal funds; and

791 (iii) the lieutenant governor determines that the failure to timely report the contribution
792 is due to the legislative office candidate not understanding that the reporting requirement
793 includes a contribution paid by a legislative office candidate from the legislative office
794 candidate's personal funds.

795 [~~(d)~~] (e) The lieutenant governor shall:

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

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

799 (A) each fine imposed by the lieutenant governor against the legislative office
800 candidate;

801 (B) the amount of the fine;

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

803 (D) the date of the contribution.

804 (6) Within 31 days after receiving a contribution that is cash or a negotiable
805 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall
806 disburse the amount of the contribution to:

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

809 (b) an organization that is exempt from federal income taxation under Section
810 501(c)(3), Internal Revenue Code.

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

812 institution:

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

814 (ii) into which or from which a person who, as a candidate for an office, other than a
815 legislative office for which the person files a declaration of candidacy or federal office, or as a
816 holder of an office, other than a legislative office for which the person files a declaration of
817 candidacy or federal office, deposits a contribution or makes an expenditure.

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

820 (i) a contribution deposited in an account:

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

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

823 (ii) an expenditure made from an account:

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

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

826 Section 8. Section **20A-11-302** is amended to read:

827 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
828 **Year-end summary report.**

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

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

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

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

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

- 839 (iii) a single figure equal to the total amount of expenditures reported on all interim
840 reports, if any, filed during the previous year;
- 841 (iv) a detailed listing of each [~~receipt, contribution, and public service assistance~~]
842 contribution received since the last summary report that has not been reported in detail on an
843 interim report;
- 844 (v) for each nonmonetary contribution:
- 845 (A) the fair market value of the contribution with that information provided by the
846 contributor; and
- 847 (B) a specific description of the contribution;
- 848 (vi) a detailed listing of each expenditure made since the last summary report that has
849 not been reported in detail on an interim report;
- 850 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 851 (viii) a net balance for the year consisting of the net balance from the last summary
852 report, if any, plus all receipts minus all expenditures; and
- 853 (ix) the name of a political action committee for which the legislative office candidate
854 is designated as an officer who has primary decision-making authority under Section
855 [20A-11-601](#).
- 856 (b) In preparing the report, all receipts and expenditures shall be reported as of
857 December 31 of the previous year.
- 858 (c) A check or negotiable instrument received by a legislative office candidate on or
859 before December 31 of the previous year shall be included in the summary report.
- 860 (3) The legislative office candidate shall certify in the summary report that to the best
861 of the candidate's knowledge, all receipts and all expenditures have been reported as of
862 December 31 of the previous year and that there are no bills or obligations outstanding and
863 unpaid except as set forth in that report.
- 864 Section 9. Section **20A-11-303** is amended to read:
- 865 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**

866 **reporting requirements -- Interim reports.**

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

869 (b) Except as provided in Subsection [~~(1)~~ (2)], each legislative office candidate shall
 870 file an interim report at the following times in any year in which the candidate has filed a
 871 declaration of candidacy for a public office:

- 872 (i) (A) seven days before the candidate's political convention; or
- 873 (B) for an unaffiliated candidate, the fourth Saturday in March;
- 874 (ii) seven days before the regular primary election date;
- 875 (iii) September 30; and
- 876 (iv) seven days before the regular general election date.

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

- 881 (i) (A) seven days before the political convention for the political party of the
 882 legislative officeholder; or
- 883 (B) for an unaffiliated legislative officeholder, the fourth Saturday in March;
- 884 (ii) seven days before the regular primary election date for that year;
- 885 (iii) September 30; and
- 886 (iv) seven days before the regular general election date.

887 [~~(1)~~ (2)] If a legislative office candidate is a legislative office candidate seeking
 888 appointment for a midterm vacancy, the legislative office candidate:

889 [~~(1)~~ (a)] shall file an interim report:

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

893 (B) two days before the day on which the political party of the party for which the
894 legislative office candidate seeks nomination meets to declare a nominee for the governor to
895 appoint in accordance with Section 20A-1-503; or

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

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

902 ~~[(2)]~~ (3) Each interim report shall include the following information:

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

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

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

908 (d) a detailed listing of:

909 (i) for a legislative office candidate, each contribution received since the last summary
910 report that has not been reported in detail on a prior interim report; or

911 (ii) for a legislative officeholder, each contribution and public service assistance
912 received since the last summary report that has not been reported in detail on a prior interim
913 report;

914 (e) for each nonmonetary contribution:

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

917 (ii) a specific description of the contribution;

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

- 920 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 921 (h) a net balance for the year consisting of the net balance from the last summary
- 922 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 923 last summary report;
- 924 (i) a summary page in the form required by the lieutenant governor that identifies:
- 925 (i) beginning balance;
- 926 (ii) total contributions and public service assistance received during the period since
- 927 the last statement;
- 928 (iii) total contributions and public service assistance received to date;
- 929 (iv) total expenditures during the period since the last statement; and
- 930 (v) total expenditures to date; and
- 931 (j) the name of a political action committee for which the legislative office candidate or
- 932 legislative officeholder is designated as an officer who has primary decision-making authority
- 933 under Section 20A-11-601.

934 ~~[(3)]~~ (4) (a) In preparing each interim report, all receipts and expenditures shall be

935 reported as of five days before the required filing date of the report.

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

937 legislative officeholder more than five days before the required filing date of a report required

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

939 Section 10. Section 20A-11-402 is amended to read:

940 **20A-11-402. Officeholder financial reporting requirements -- Statement of**

941 **dissolution.**

942 (1) An officeholder or former officeholder is active and subject to reporting

943 requirements until the officeholder or former officeholder has filed a statement of dissolution

944 with the lieutenant governor stating that:

945 (a) the officeholder or former officeholder is no longer receiving contributions or

946 public service assistance and is no longer making expenditures;

947 (b) the ending balance on the last summary report filed is zero and the balance in the
948 separate bank account required by Section 20A-11-201, 20A-11-301, or 20A-11-1301 is zero;
949 and

950 (c) a final summary report in the form required by Section 20A-11-401 showing a zero
951 balance is attached to the statement of dissolution.

952 (2) A statement of dissolution and a final summary report may be filed at any time.

953 (3) (a) Each officeholder shall report to the lieutenant governor each contribution or
954 public service assistance received by the state officeholder within 31 days after the day on
955 which the officeholder receives the contribution or public service assistance.

956 (b) For each contribution or public service assistance that an officeholder fails to report
957 within the time period described in Subsection (3)(a), the lieutenant governor shall impose a
958 fine against the officeholder in an amount equal to:

959 (i) 10% of the amount of the contribution or public service assistance if the
960 officeholder reports the contribution or public service assistance within 60 days after the day on
961 which the time period described in Subsection (3)(a) ends; or

962 (ii) 20% of the amount of the contribution or public service assistance if the
963 officeholder fails to report the contribution or public service assistance within 60 days after the
964 day on which the time period described in Subsection (3)(a) ends.

965 ~~[(3)]~~ (c) Each officeholder or former officeholder shall continue to file the year-end
966 summary report required by Section 20A-11-401 until the statement of dissolution and final
967 summary report required by this section are filed with the lieutenant governor.

968 (4) An officeholder or former officeholder may not use a contribution or public service
969 assistance deposited in an account in accordance with this chapter for:

970 (a) a personal use expenditure; or

971 (b) an expenditure prohibited by law.

972 (5) (a) Except as provided in Subsection (5)(b), a ~~[person who is no longer an]~~ former
973 officeholder may not expend or transfer the money in a campaign account in a manner that

974 would cause the former officeholder to recognize the money as taxable income under federal
975 tax law.

976 (b) A [~~person who is no longer an~~] former officeholder may transfer the money in a
977 campaign account in a manner that would cause the former officeholder to recognize the
978 money as taxable income under federal tax law if the transfer is made to a campaign account
979 for federal office.

980 Section 11. Section **20A-11-403** is amended to read:

981 **20A-11-403. Failure to file -- Penalties.**

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

984 (a) each officeholder that is required to file a summary report has filed one; and

985 (b) each summary report contains the information required by this part.

986 (2) If it appears that any officeholder has failed to file the summary report required by
987 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
988 governor has received a written complaint alleging a violation of the law or the falsity of any
989 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
990 violation has occurred:

991 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and

992 (b) within five days of discovery of a violation or receipt of a written complaint, notify
993 the officeholder of the violation or written complaint and direct the officeholder to file a
994 summary report correcting the problem.

995 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
996 within seven days after receiving notice from the lieutenant governor under this section.

997 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
998 misdemeanor.

999 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1000 attorney general.

1001 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
1002 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1003 (3)(a).

1004 (4) Within 30 days after a deadline for the filing of an interim report by an officeholder
1005 under Subsection ~~20A-11-204(1)(c)~~(2), 20A-11-303(1)(c), or 20A-11-1303(1)(d), the
1006 lieutenant governor shall review each filed interim report to ensure that each interim report
1007 contains the information required for the report.

1008 (5) If it appears that any officeholder has failed to file an interim report required by
1009 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant
1010 governor has received a written complaint alleging a violation of the law or the falsity of any
1011 interim report, the lieutenant governor shall, if the lieutenant governor determines that a
1012 violation has occurred:

1013 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

1014 (b) within five days after the day on which the violation is discovered or a written
1015 complaint is received, notify the officeholder of the violation or written complaint and direct
1016 the officeholder to file an interim report correcting the problem.

1017 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report
1018 within seven days after the day on which the officeholder receives notice from the lieutenant
1019 governor under this section.

1020 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B
1021 misdemeanor.

1022 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the
1023 attorney general.

1024 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant
1025 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1026 (6)(a).

1027 Section 12. Section **20A-11-506** is amended to read:

1028 **20A-11-506. Political party financial reporting requirements -- Year-end**
1029 **summary report.**

1030 (1) The party committee of each registered political party shall file a summary report by
1031 January 10 of each year.

1032 (2) (a) Each summary report shall include the following information as of December 31
1033 of the previous year:

1034 (i) the net balance of the last summary report, if any;

1035 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1036 if any, during the previous year;

1037 (iii) a single figure equal to the total amount of expenditures reported on all interim
1038 reports, if any, filed during the previous year;

1039 (iv) a detailed listing of each contribution [~~and public service assistance~~] received since
1040 the last summary report that has not been reported in detail on an interim report;

1041 (v) for each nonmonetary contribution, the fair market value of the contribution;

1042 (vi) a detailed listing of each expenditure made since the last summary report that has
1043 not been reported in detail on an interim report;

1044 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1045 (viii) a net balance for the year consisting of the net balance from the last summary
1046 report, if any, plus all receipts minus all expenditures.

1047 (b) (i) For all individual contributions [~~or public service assistance~~] of \$50 or less, a
1048 single aggregate figure may be reported without separate detailed listings.

1049 (ii) Two or more contributions from the same source that have an aggregate total of
1050 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1051 (c) In preparing the report, all receipts and expenditures shall be reported as of
1052 December 31 of the previous year.

1053 (3) The summary report shall contain a paragraph signed by the treasurer of the party
1054 committee certifying that, to the best of the treasurer's knowledge, all receipts and all

1055 expenditures have been reported as of December 31 of the previous year and that there are no
1056 bills or obligations outstanding and unpaid except as set forth in that report.

1057 Section 13. Section **20A-11-507** is amended to read:

1058 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

1059 (1) The party committee of each registered political party shall file an interim report at
1060 the following times in any year in which there is a regular general election:

1061 (a) seven days before the registered political party's political convention;

1062 (b) seven days before the regular primary election date;

1063 (c) September 30; and

1064 (d) seven days before the general election date.

1065 (2) Each interim report shall include the following information:

1066 (a) the net balance of the last financial statement, if any;

1067 (b) a single figure equal to the total amount of receipts reported on all prior interim
1068 reports, if any, during the calendar year in which the interim report is due;

1069 (c) a single figure equal to the total amount of expenditures reported on all prior
1070 interim reports, if any, filed during the calendar year in which the interim report is due;

1071 (d) a detailed listing of each contribution [~~and public service assistance~~] received since
1072 the last summary report that has not been reported in detail on a prior interim report;

1073 (e) for each nonmonetary contribution, the fair market value of the contribution;

1074 (f) a detailed listing of each expenditure made since the last summary report that has
1075 not been reported in detail on a prior interim report;

1076 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1077 (h) a net balance for the year consisting of the net balance from the last summary
1078 report, if any, plus all receipts since the last summary report minus all expenditures since the
1079 last summary report; and

1080 (i) a summary page in the form required by the lieutenant governor that identifies:

1081 (i) beginning balance;

- 1082 (ii) total contributions during the period since the last statement;
- 1083 (iii) total contributions to date;
- 1084 (iv) total expenditures during the period since the last statement; and
- 1085 (v) total expenditures to date.

1086 (3) (a) For all individual contributions [~~or public service assistance~~] of \$50 or less, a
1087 single aggregate figure may be reported without separate detailed listings.

1088 (b) Two or more contributions from the same source that have an aggregate total of
1089 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1090 (4) In preparing each interim report, all receipts and expenditures shall be reported as
1091 of five days before the required filing date of the report.

1092 Section 14. Section **20A-11-510** is amended to read:

1093 **20A-11-510. County political party financial reporting requirements -- Year-end**
1094 **summary report.**

1095 (1) A county political party officer of a county political party that has received
1096 contributions totaling at least \$750, or disbursed expenditures totaling at least \$750, during a
1097 calendar year shall file a summary report by January 10 of the following year.

1098 (2) (a) Each summary report shall include the following information as of December 31
1099 of the previous year:

- 1100 (i) the net balance of the last summary report, if any;
- 1101 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1102 if any, filed during the previous year;
- 1103 (iii) a single figure equal to the total amount of expenditures reported on all interim
1104 reports, if any, filed during the previous year;
- 1105 (iv) a detailed listing of each contribution [~~and public service assistance~~] received since
1106 the last summary report that has not been reported in detail on an interim report;
- 1107 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 1108 (vi) a detailed listing of each expenditure made since the last summary report that has

1109 not been reported in detail on an interim report;
1110 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
1111 (viii) a net balance for the year consisting of the net balance from the last summary
1112 report, if any, plus all receipts minus all expenditures.

1113 (b) (i) For all individual contributions [~~or public service assistance~~] of \$50 or less, a
1114 single aggregate figure may be reported without separate detailed listings.

1115 (ii) Two or more contributions from the same source that have an aggregate total of
1116 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1117 (c) In preparing the report, all receipts and expenditures shall be reported as of
1118 December 31 of the previous year.

1119 (3) The county political party officer shall certify in the summary report that, to the
1120 best of the officer's knowledge, all receipts and all expenditures have been reported as of
1121 December 31 of the previous year and that there are no bills or obligations outstanding and
1122 unpaid except as set forth in that report.

1123 Section 15. Section **20A-11-511** is amended to read:

1124 **20A-11-511. County political party financial reporting requirements -- Interim**
1125 **reports.**

1126 (1) (a) A county political party officer of a county political party that has received
1127 contributions totaling at least \$750, or disbursed expenditures totaling at least \$750, during a
1128 calendar year shall file an interim report at the following times in any year in which there is a
1129 regular general election:

1130 (i) seven days before the county political party's convention;

1131 (ii) seven days before the regular primary election date;

1132 (iii) September 30; and

1133 (iv) seven days before the general election date.

1134 (b) A county political party officer need not file an interim report if it received no
1135 contributions or made no expenditures during the reporting period.

- 1136 (2) Each interim report shall include the following information:
- 1137 (a) the net balance of the last financial statement, if any;
- 1138 (b) a single figure equal to the total amount of receipts reported on all prior interim
1139 reports, if any, during the calendar year in which the interim report is due;
- 1140 (c) a single figure equal to the total amount of expenditures reported on all prior
1141 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1142 (d) a detailed listing of each contribution [~~and public service assistance~~] received since
1143 the last summary report that has not been reported in detail on a prior interim report;
- 1144 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 1145 (f) a detailed listing of each expenditure made since the last summary report that has
1146 not been reported in detail on a prior interim report;
- 1147 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1148 (h) a net balance for the year consisting of the net balance from the last summary
1149 report, if any, plus all receipts since the last summary report minus all expenditures since the
1150 last summary report; and
- 1151 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1152 (i) beginning balance;
- 1153 (ii) total contributions during the period since the last statement;
- 1154 (iii) total contributions to date;
- 1155 (iv) total expenditures during the period since the last statement; and
- 1156 (v) total expenditures to date.
- 1157 (3) (a) For all individual contributions [~~or public service assistance~~] of \$50 or less, a
1158 single aggregate figure may be reported without separate detailed listings.
- 1159 (b) Two or more contributions from the same source that have an aggregate total of
1160 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 1161 (4) In preparing each interim report, all receipts and expenditures shall be reported as
1162 of five days before the required filing date of the report.

1163 Section 16. Section **20A-11-512** is amended to read:

1164 **20A-11-512. County political party -- Criminal penalties -- Fines.**

1165 (1) A county political party that fails to file an interim report described in Subsections
1166 **20A-11-511**(1)(a)(i) through (iv) before the deadline is subject to a fine in accordance with
1167 Section **20A-11-1005**, which the chief election officer shall deposit in the General Fund.

1168 (2) Within 30 days after a deadline for the filing of the January 10 statement required
1169 by Section **20A-11-510**, the lieutenant governor shall review each filed statement to ensure
1170 that:

1171 (a) a county political party officer who is required to file a statement has filed one; and

1172 (b) each statement contains the information required by Section **20A-11-510**.

1173 (3) If it appears that any county political party officer has failed to file a financial
1174 statement before the deadline, if it appears that a filed financial statement does not conform to
1175 the law, or if the lieutenant governor has received a written complaint alleging a violation of
1176 the law or the falsity of any financial statement, the lieutenant governor shall, within five days
1177 [~~of discovery of a violation or receipt of a~~] after the day on which the lieutenant governor
1178 discovers the violation or receives the written complaint, notify the county political party
1179 officer of the violation or written complaint and direct the county political party officer to file a
1180 financial statement correcting the problem.

1181 (4) (a) A county political party that fails to file or amend a financial statement within
1182 seven days after [~~receiving~~] the day on which the county political party receives notice from the
1183 lieutenant governor under this section is subject to a fine of the lesser of:

1184 (i) 10% of the total contributions received, and the total expenditures made, by the
1185 county political party during the reporting period for the financial statement that the county
1186 political party failed to file or amend; or

1187 (ii) \$1,000.

1188 (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into
1189 the General Fund.

1190 Section 17. Section **20A-11-602** is amended to read:
1191 **20A-11-602. Political action committees -- Financial reporting.**
1192 (1) (a) Each registered political action committee that has received contributions
1193 totaling at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year
1194 shall file a verified financial statement with the lieutenant governor's office:
1195 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1196 previous year;
1197 (ii) seven days before the state political convention of each major political party;
1198 (iii) seven days before the regular primary election date;
1199 (iv) on September 30; and
1200 (v) seven days before:
1201 (A) the municipal general election; and
1202 (B) the regular general election date.
1203 (b) The registered political action committee shall report:
1204 (i) a detailed listing of all contributions received and expenditures made since the last
1205 statement; and
1206 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
1207 contributions and expenditures as of five days before the required filing date of the financial
1208 statement.
1209 (c) The registered political action committee need not file a statement under this
1210 section if it received no contributions and made no expenditures during the reporting period.
1211 (2) (a) The verified financial statement shall include:
1212 (i) the name and address of any individual who makes a contribution to the reporting
1213 political action committee, if known, and the amount of the contribution;
1214 (ii) the identification of any publicly identified class of individuals that makes a
1215 contribution to the reporting political action committee, if known, and the amount of the
1216 contribution;

1217 (iii) the name and address of any political action committee, group, or entity, if known,
1218 that makes a contribution to the reporting political action committee, and the amount of the
1219 contribution;

1220 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1221 (v) the name and address of each reporting entity that received an expenditure from the
1222 reporting political action committee, and the amount of each expenditure;

1223 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;

1224 (vii) the total amount of contributions received and expenditures disbursed by the
1225 reporting political action committee;

1226 (viii) a statement by the political action committee's treasurer or chief financial officer
1227 certifying that, to the best of the person's knowledge, the financial report is accurate; and

1228 (ix) a summary page in the form required by the lieutenant governor that identifies:

1229 (A) beginning balance;

1230 (B) total contributions during the period since the last statement;

1231 (C) total contributions to date;

1232 (D) total expenditures during the period since the last statement; and

1233 (E) total expenditures to date.

1234 (b) (i) Contributions received by a political action committee that have a value of \$50
1235 or less need not be reported individually, but shall be listed on the report as an aggregate total.

1236 (ii) Two or more contributions from the same source that have an aggregate total of
1237 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1238 (c) A political action committee is not required to report an independent expenditure
1239 under Part 17, Independent Expenditures, if, in the financial statement described in this section,
1240 the political action committee:

1241 (i) includes the independent expenditure;

1242 (ii) identifies the independent expenditure as an independent expenditure; and

1243 (iii) provides the information, described in Section [20A-11-1704](#), in relation to the

1244 independent expenditure.

1245 (3) A group or entity may not divide or separate into units, sections, or smaller groups
1246 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
1247 shall prevail over form in determining the scope or size of a political action committee.

1248 (4) (a) As used in this Subsection (4), "received" means:

1249 (i) for a cash contribution, that the cash is given to a political action committee;

1250 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1251 instrument or check is negotiated; and

1252 (iii) for any other type of contribution, that any portion of the contribution's benefit
1253 inures to the political action committee.

1254 (b) A political action committee shall report each contribution to the lieutenant
1255 governor within 31 days after the contribution is received.

1256 (5) A political action committee may not expend a contribution for political purposes if
1257 the contribution:

1258 (a) is cash or a negotiable instrument;

1259 (b) exceeds \$50; and

1260 (c) is from an unknown source.

1261 (6) Within 31 days after receiving a contribution that is cash or a negotiable
1262 instrument, exceeds \$50, and is from an unknown source, a political action committee shall
1263 disburse the amount of the contribution to:

1264 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1265 political subdivision's general fund; or

1266 (b) an organization that is exempt from federal income taxation under Section
1267 501(c)(3), Internal Revenue Code.

1268 Section 18. Section **20A-11-603** is amended to read:

1269 **20A-11-603. Criminal penalties -- Fines.**

1270 (1) (a) As used in this Subsection (1), "completed" means that:

1271 (i) the financial statement accurately and completely details the information required
1272 by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

1273 (ii) the political action committee corrects the omissions, errors, or inaccuracies
1274 described in Subsection (1)(a) in an amended report or the next scheduled report.

1275 ~~[(a)]~~ (b) Each political action committee that fails to file a completed financial
1276 statement ~~[by]~~ before the deadline is subject to a fine imposed in accordance with Section
1277 20A-11-1005.

1278 ~~[(b)]~~ (c) Each political action committee that fails to file a completed financial
1279 statement described in Subsections 20A-11-602(1)(a)(iii) through (v) is guilty of a class B
1280 misdemeanor.

1281 ~~[(c)]~~ (d) The lieutenant governor shall report all violations of Subsection (1)~~[(b)]~~(c) to
1282 the attorney general.

1283 (2) Within 30 days after a deadline for the filing of the January 10 statement required
1284 by this part, the lieutenant governor shall review each filed statement to ensure that:

1285 (a) each political action committee that is required to file a statement has filed one; and

1286 (b) each statement contains the information required by this part.

1287 (3) If it appears that any political action committee has failed to file the January 10
1288 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
1289 governor has received a written complaint alleging a violation of the law or the falsity of any
1290 statement, the lieutenant governor shall, within five days ~~[of discovery of a violation or receipt~~
1291 ~~of a]~~ after the day on which the lieutenant governor discovers the violation or receives the
1292 written complaint, notify the political action committee of the violation or written complaint
1293 and direct the political action committee to file a statement correcting the problem.

1294 (4) (a) It is unlawful for any political action committee to fail to file or amend a
1295 statement within seven days after ~~[receiving]~~ the day on which the political action committee
1296 receives notice from the lieutenant governor under this section.

1297 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B

1298 misdemeanor.

1299 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
1300 attorney general.

1301 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
1302 governor shall impose a civil fine of \$1,000 against a political action committee that violates
1303 Subsection (4)(a).

1304 Section 19. Section **20A-11-701.1** is enacted to read:

1305 **20A-11-701.1. Definitions.**

1306 As used in this part, "political purposes" means an act done with the intent or in a way
1307 to influence or tend to influence, directly or indirectly:

1308 (1) any person to refrain from voting or to vote for or against any:

1309 (a) candidate or a person seeking a municipal or county office at any caucus, political
1310 convention, or election;

1311 (b) judge standing for retention at any election;

1312 (c) ballot proposition; or

1313 (d) incorporation election; or

1314 (2) any person to sign, refrain from signing, remove the person's signature from, or
1315 refrain from removing the person's signature from, a petition for a ballot proposition or an
1316 incorporation petition.

1317 Section 20. Section **20A-11-701.5**, which is renumbered from Section 20A-11-701 is
1318 renumbered and amended to read:

1319 ~~**20A-11-701.**~~ **20A-11-701.5. Campaign financial reporting by corporations**
1320 **-- Filing requirements -- Statement contents.**

1321 (1) (a) Each corporation that has made expenditures for political purposes that total at
1322 least \$750 during a calendar year shall file a verified financial statement with the lieutenant
1323 governor's office:

1324 (i) on January 10, reporting expenditures as of December 31 of the previous year;

- 1325 (ii) seven days before the state political convention for each major political party;
1326 (iii) seven days before the regular primary election date;
1327 (iv) on September 30; and
1328 (v) seven days before the regular general election date.
- 1329 (b) The corporation shall report:
- 1330 (i) a detailed listing of all expenditures made since the last financial statement;
1331 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
1332 expenditures as of five days before the required filing date of the financial statement; and
1333 (iii) whether the corporation, including an officer of the corporation, director of the
1334 corporation, or person with at least 10% ownership in the corporation:
- 1335 (A) has bid since the last financial statement on a contract, as defined in Section
1336 [63G-6a-103](#), in excess of \$100,000;
- 1337 (B) is currently bidding on a contract, as defined in Section [63G-6a-103](#), in excess of
1338 \$100,000; or
- 1339 (C) is a party to a contract, as defined in Section [63G-6a-103](#), in excess of \$100,000.
- 1340 (c) The corporation need not file a financial statement under this section if the
1341 corporation made no expenditures during the reporting period.
- 1342 (d) The corporation is not required to report an expenditure made to, or on behalf of, a
1343 reporting entity that the reporting entity is required to include in a financial statement described
1344 in this chapter [or], Chapter 12, Part 2, Judicial Retention Elections, [Section 10-3-208](#), or
1345 [Section 17-16-6.5](#).
- 1346 (2) The financial statement shall include:
- 1347 (a) the name and address of each reporting entity that received an expenditure from the
1348 corporation, and the amount of each expenditure;
- 1349 (b) the total amount of expenditures disbursed by the corporation; and
1350 (c) a statement by the corporation's treasurer or chief financial officer certifying the
1351 accuracy of the financial statement.

1352 Section 21. Section **20A-11-803** is amended to read:

1353 **20A-11-803. Criminal penalties -- Fines.**

1354 (1) (a) As used in this Subsection (1), "completed" means that:

1355 (i) the financial statement accurately and completely details the information required
1356 by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

1357 (ii) the political issues committee corrects the omissions, errors, or inaccuracies
1358 described in Subsection (1)(a) in an amended report or the next scheduled report.

1359 ~~[(a)]~~ (b) Each political issues committee that fails to file a completed financial
1360 statement before the deadline is subject to a fine imposed in accordance with Section
1361 **20A-11-1005**.

1362 ~~[(b)]~~ (c) Each political issues committee that fails to file a completed financial
1363 statement described in Subsection **20A-11-802**(1)(a)(vii) or (viii) is guilty of a class B
1364 misdemeanor.

1365 ~~[(c)]~~ (d) The lieutenant governor shall report all violations of Subsection (1)~~[(b)]~~~~(c)~~ to
1366 the attorney general.

1367 (2) Within 30 days after a deadline for the filing of the January 10 statement, the
1368 lieutenant governor shall review each filed statement to ensure that:

1369 (a) each political issues committee that is required to file a statement has filed one; and

1370 (b) each statement contains the information required by this part.

1371 (3) If it appears that any political issues committee has failed to file the January 10
1372 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
1373 governor has received a written complaint alleging a violation of the law or the falsity of any
1374 statement, the lieutenant governor shall, within five days ~~[of discovery of a violation or receipt~~
1375 ~~of a]~~ after the day on which the lieutenant governor discovers the violation or receives the
1376 written complaint, notify the political issues committee of the violation or written complaint
1377 and direct the political issues committee to file a statement correcting the problem.

1378 (4) (a) It is unlawful for any political issues committee to fail to file or amend a

1379 statement within seven days after ~~[receiving]~~ the day on which the political issues committee
1380 receives notice from the lieutenant governor under this section.

1381 (b) Each political issues committee ~~[who]~~ that violates Subsection (4)(a) is guilty of a
1382 class B misdemeanor.

1383 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
1384 attorney general.

1385 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
1386 governor shall impose a civil fine of \$1,000 against a political issues committee that violates
1387 Subsection (4)(a).

1388 Section 22. Section **20A-11-1301** is amended to read:

1389 **20A-11-1301. School board office -- Campaign finance requirements -- Candidate**
1390 **as a political action committee officer -- No personal use -- Contribution reporting**
1391 **deadline -- Report other accounts -- Anonymous contributions.**

1392 (1) (a) (i) Each school board office candidate shall deposit each contribution ~~[and~~
1393 ~~public service assistance]~~ received in one or more separate accounts in a financial institution
1394 that are dedicated only to that purpose.

1395 (ii) A school board office candidate may:

1396 (A) receive a contribution ~~[or public service assistance]~~ from a political action
1397 committee registered under Section [20A-11-601](#); and

1398 (B) be designated by a political action committee as an officer who has primary
1399 decision-making authority as described in Section [20A-11-601](#).

1400 (b) A school board office candidate may not use money deposited in an account
1401 described in Subsection (1)(a)(i) for:

1402 (i) a personal use expenditure; or

1403 (ii) an expenditure prohibited by law.

1404 (c) (i) Each school board officeholder shall deposit each contribution and public
1405 service assistance received in one or more separate accounts in a financial institution that are

1406 dedicated only to that purpose.

1407 (ii) A school board officeholder may:

1408 (A) receive a contribution or public service assistance from a political action

1409 committee registered under Section [20A-11-601](#); and

1410 (B) be designated by a political action committee as an officer who has primary

1411 decision-making authority as described in Section [20A-11-601](#).

1412 (d) A school board officeholder may not use money deposited in an account described

1413 in Subsection (1)(a)(i) or (1)(c)(i) for:

1414 (i) a personal use expenditure; or

1415 (ii) an expenditure prohibited by law.

1416 (2) (a) A school board office candidate may not deposit or mingle any contributions [~~or~~
1417 ~~public service assistance~~] received into a personal or business account.

1418 (b) A school board officeholder may not deposit or mingle any contributions or public
1419 service assistance received into a personal or business account.

1420 (3) A school board office candidate or school board officeholder may not make any
1421 political expenditures prohibited by law.

1422 (4) If a person who is no longer a school board office candidate chooses not to expend
1423 the money remaining in a campaign account, the person shall continue to file the year-end
1424 summary report required by Section [20A-11-1302](#) until the statement of dissolution and final
1425 summary report required by Section [20A-11-1304](#) are filed with the lieutenant governor.

1426 (5) (a) Except as provided in Subsection (5)(b) and Section [20A-11-402](#), a person who
1427 is no longer a school board office candidate may not expend or transfer the money in a
1428 campaign account in a manner that would cause the former school board office candidate to
1429 recognize the money as taxable income under federal tax law.

1430 (b) A person who is no longer a school board office candidate may transfer the money
1431 in a campaign account in a manner that would cause the former school board office candidate
1432 to recognize the money as taxable income under federal tax law if the transfer is made to a

1433 campaign account for federal office.

1434 (6) (a) As used in this Subsection (6), "received" means the same as that term is
1435 defined in Subsection ~~20A-11-1303~~(1)(a).

1436 (b) ~~[Each]~~ Except as provided in Subsection (6)(d), each school board office candidate
1437 shall report to the chief election officer each contribution ~~[and public service assistance]~~
1438 received by the school board office candidate:

1439 (i) except as provided in Subsection (6)(b)(ii), within 31 days after the day on which
1440 the contribution ~~[or public service assistance]~~ is received; or

1441 (ii) within three business days after the day on which the contribution ~~[or public service~~
1442 ~~assistance]~~ is received, if:

1443 (A) the school board office candidate is contested in a convention and the contribution
1444 ~~[or public service assistance]~~ is received within 30 days before the day on which the
1445 convention is held;

1446 (B) the school board office candidate is contested in a primary election and the
1447 contribution ~~[or public service assistance]~~ is received within 30 days before the day on which
1448 the primary election is held; or

1449 (C) the school board office candidate is contested in a general election and the
1450 contribution ~~[or public service assistance]~~ is received within 30 days before the day on which
1451 the general election is held.

1452 (c) For each contribution ~~[or provision of public service assistance]~~ that a school board
1453 office candidate fails to report within the time period described in Subsection (6)(b), the chief
1454 election officer shall impose a fine against the school board office candidate in an amount
1455 equal to:

1456 (i) ~~[(A)]~~ 10% of the amount of the contribution, if the school board office candidate
1457 reports the contribution within 60 days after the day on which the time period described in
1458 Subsection (6)(b) ends; or

1459 ~~[(B)]~~ (ii) 20% of the amount of the contribution, if the school board office candidate

1460 fails to report the contribution within 60 days after the day on which the time period described
1461 in Subsection (6)(b) ends~~[-or]~~.

1462 ~~[(ii) (A) 10% of the value of the public service assistance, if the school board office
1463 candidate reports the public service assistance within 60 days after the day on which the time
1464 period described in Subsection (6)(b) ends; or]~~

1465 ~~[(B) 20% of the amount of the public service assistance, if the school board office
1466 candidate fails to report the public service assistance within 60 days after the day on which the
1467 time period described in Subsection (6)(b) ends.]~~

1468 (d) The lieutenant governor may waive the fine described in Subsection (6)(c) and
1469 issue a warning to the school board office candidate if:

1470 (i) the contribution that the school board office candidate fails to report is paid by the
1471 school board office candidate from the school board office candidate's personal funds;

1472 (ii) the school board office candidate has not previously violated Subsection (6)(c) in
1473 relation to a contribution paid by the school board office candidate from the school board office
1474 candidate's personal funds; and

1475 (iii) the lieutenant governor determines that the failure to timely report the contribution
1476 is due to the school board office candidate not understanding that the reporting requirement
1477 includes a contribution paid by a school board office candidate from the school board office
1478 candidate's personal funds.

1479 ~~[(d)]~~ (e) The chief election officer shall:

1480 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1481 (ii) report on the chief election officer's website, in the location where reports relating
1482 to each school board office candidate are available for public access:

1483 (A) each fine imposed by the chief election officer against the school board office
1484 candidate;

1485 (B) the amount of the fine;

1486 (C) the amount of the contribution to which the fine relates; and

1487 (D) the date of the contribution.

1488 (7) Within 31 days after receiving a contribution that is cash or a negotiable
1489 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall
1490 disburse the contribution to:

1491 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1492 political subdivision's general fund; or

1493 (b) an organization that is exempt from federal income taxation under Section
1494 501(c)(3), Internal Revenue Code.

1495 (8) (a) As used in this Subsection (8), "account" means an account in a financial
1496 institution:

1497 (i) that is not described in Subsection (1)(a)(i); and

1498 (ii) into which or from which a person who, as a candidate for an office, other than a
1499 school board office for which the person files a declaration of candidacy or federal office, or as
1500 a holder of an office, other than a school board office for which the person files a declaration of
1501 candidacy or federal office, deposits a contribution or makes an expenditure.

1502 (b) A school board office candidate shall include on any financial statement filed in
1503 accordance with this part:

1504 (i) a contribution deposited in an account:

1505 (A) since the last campaign finance statement was filed; or

1506 (B) that has not been reported under a statute or ordinance that governs the account; or

1507 (ii) an expenditure made from an account:

1508 (A) since the last campaign finance statement was filed; or

1509 (B) that has not been reported under a statute or ordinance that governs the account.

1510 Section 23. Section **20A-11-1302** is amended to read:

1511 **20A-11-1302. School board office candidate -- Financial reporting requirements**

1512 **-- Year-end summary report.**

1513 (1) (a) Each school board office candidate shall file a summary report by January 10 of

1514 the year after the regular general election year.

1515 (b) In addition to the requirements of Subsection (1)(a), a former school board office
1516 candidate that has not filed the statement of dissolution and final summary report required
1517 under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.

1518 (2) (a) Each summary report shall include the following information as of December 31
1519 of the previous year:

1520 (i) the net balance of the last financial statement, if any;

1521 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1522 if any, during the previous year;

1523 (iii) a single figure equal to the total amount of expenditures reported on all interim
1524 reports, if any, filed during the previous year;

1525 (iv) a detailed listing of each ~~[receipt,] contribution[, and public service assistance]~~
1526 received since the last summary report that has not been reported in detail on an interim report;

1527 (v) for each nonmonetary contribution:

1528 (A) the fair market value of the contribution with that information provided by the
1529 contributor; and

1530 (B) a specific description of the contribution;

1531 (vi) a detailed listing of each expenditure made since the last summary report that has
1532 not been reported in detail on an interim report;

1533 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1534 (viii) a net balance for the year consisting of the net balance from the last summary
1535 report, if any, plus all receipts minus all expenditures; and

1536 (ix) the name of a political action committee for which the school board office
1537 candidate is designated as an officer who has primary decision-making authority under Section
1538 20A-11-601.

1539 (b) In preparing the report, all receipts and expenditures shall be reported as of
1540 December 31 of the previous year.

1541 (c) A check or negotiable instrument received by a school board office candidate on or
1542 before December 31 of the previous year shall be included in the summary report.

1543 (3) The school board office candidate shall certify in the summary report that, to the
1544 best of the school board office candidate's knowledge, all receipts and all expenditures have
1545 been reported as of December 31 of the previous year and that there are no bills or obligations
1546 outstanding and unpaid except as set forth in that report.

1547 Section 24. Section **20A-11-1303** is amended to read:

1548 **20A-11-1303. School board office candidate and school board officeholder --**
1549 **Financial reporting requirements -- Interim reports.**

1550 (1) (a) As used in this section, "received" means:

1551 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1552 member of the school board office candidate's personal campaign committee;

1553 (ii) for a contribution that is a check or other negotiable instrument, that the check or
1554 other negotiable instrument is negotiated; or

1555 (iii) for any other type of contribution, that any portion of the contribution's benefit
1556 inures to the school board office candidate.

1557 (b) As used in this Subsection (1), "campaign account" means a separate campaign
1558 account required under Subsection **20A-11-1301**(1)(a)(i) or (c)(i).

1559 (c) Each school board office candidate shall file an interim report at the following
1560 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1561 [~~(i) (A) seven days before the political convention for the political party of the school~~
1562 ~~board office candidate; or]~~

1563 [~~(B) May 15, if the school board office candidate does not affiliate with a political~~
1564 ~~party;]~~

1565 (i) May 15;

1566 (ii) seven days before the regular primary election date;

1567 (iii) September 30; and

- 1568 (iv) seven days before the regular general election date.
- 1569 (d) Each school board officeholder who has a campaign account that has not been
1570 dissolved under Section 20A-11-1304 shall, in an even year, file an interim report at the
1571 following times, regardless of whether an election for the school board officeholder's office is
1572 held that year:
- 1573 ~~[(i) (A) seven days before the political convention for the political party of the school~~
1574 ~~board officeholder; or]~~
- 1575 ~~[(B) May 15, if the school board officeholder does not affiliate with a political party;]~~
- 1576 (i) May 15;
- 1577 (ii) seven days before the regular primary election date for that year;
- 1578 (iii) September 30; and
- 1579 (iv) seven days before the regular general election date.
- 1580 (2) Each interim report shall include the following information:
- 1581 (a) the net balance of the last summary report, if any;
- 1582 (b) a single figure equal to the total amount of receipts reported on all prior interim
1583 reports, if any, during the calendar year in which the interim report is due;
- 1584 (c) a single figure equal to the total amount of expenditures reported on all prior
1585 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1586 (d) a detailed listing of:
- 1587 (i) for a school board office candidate, each contribution received since the last
1588 summary report that has not been reported in detail on a prior interim report; or
- 1589 (ii) for a school board officeholder, each contribution and public service assistance
1590 received since the last summary report that has not been reported in detail on a prior interim
1591 report;
- 1592 (e) for each nonmonetary contribution:
- 1593 (i) the fair market value of the contribution with that information provided by the
1594 contributor; and

- 1595 (ii) a specific description of the contribution;
- 1596 (f) a detailed listing of each expenditure made since the last summary report that has
1597 not been reported in detail on a prior interim report;
- 1598 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1599 (h) a net balance for the year consisting of the net balance from the last summary
1600 report, if any, plus all receipts since the last summary report minus all expenditures since the
1601 last summary report;
- 1602 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1603 (i) beginning balance;
- 1604 (ii) total contributions during the period since the last statement;
- 1605 (iii) total contributions to date;
- 1606 (iv) total expenditures during the period since the last statement; and
- 1607 (v) total expenditures to date; and
- 1608 (j) the name of a political action committee for which the school board office candidate
1609 or school board officeholder is designated as an officer who has primary decision-making
1610 authority under Section [20A-11-601](#).
- 1611 (3) (a) In preparing each interim report, all receipts and expenditures shall be reported
1612 as of five days before the required filing date of the report.
- 1613 (b) Any negotiable instrument or check received by a school board office candidate or
1614 school board officeholder more than five days before the required filing date of a report
1615 required by this section shall be included in the interim report.