

Representative Suzanne Harrison proposes the following substitute bill:

CAMPAIGN FINANCE MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Suzanne Harrison

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to the Election Code regarding campaign disclosure and reporting requirements.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ clarifies when an expenditure is made for campaign disclosure and reporting purposes;
- ▶ modifies certain reporting deadlines for campaign contributions and expenditures;
- ▶ modifies certain penalties for violations of political disclosure, reporting, and polling violations;
- ▶ imposes penalties for a person who violates campaign and political advertisement provisions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **20A-11-105**, as last amended by Laws of Utah 2019, Chapter 255
- 29 **20A-11-201**, as last amended by Laws of Utah 2019, Chapter 74
- 30 **20A-11-204**, as last amended by Laws of Utah 2019, Chapter 74
- 31 **20A-11-206**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 32 **20A-11-301**, as last amended by Laws of Utah 2019, Chapter 74
- 33 **20A-11-303**, as last amended by Laws of Utah 2019, Chapter 74
- 34 **20A-11-305**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 35 **20A-11-403**, as last amended by Laws of Utah 2020, Chapter 22
- 36 **20A-11-507**, as last amended by Laws of Utah 2019, Chapter 74
- 37 **20A-11-511**, as last amended by Laws of Utah 2019, Chapter 74
- 38 **20A-11-602**, as last amended by Laws of Utah 2019, Chapters 74 and 116
- 39 **20A-11-701.5**, as renumbered and amended by Laws of Utah 2019, Chapter 74
- 40 **20A-11-801**, as last amended by Laws of Utah 2020, Chapter 22
- 41 **20A-11-802**, as last amended by Laws of Utah 2019, Chapter 116
- 42 **20A-11-901**, as last amended by Laws of Utah 2019, Chapter 154
- 43 **20A-11-905**, as enacted by Laws of Utah 2013, Chapter 86
- 44 **20A-11-1005**, as last amended by Laws of Utah 2018, Chapters 11 and 83
- 45 **20A-11-1301**, as last amended by Laws of Utah 2019, Chapter 74
- 46 **20A-11-1502**, as last amended by Laws of Utah 2018, Chapter 83
- 47 **20A-11-1704**, as last amended by Laws of Utah 2018, Chapter 83
- 48 **20A-12-303**, as last amended by Laws of Utah 2018, Chapter 83

49

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

51 Section 1. Section **20A-11-105** is amended to read:

52 **20A-11-105. Deadline for payment of fine -- Reports.**

53 (1) A person against whom the lieutenant governor imposes a fine under this chapter
54 shall pay the fine before 5 p.m. within 30 days after the day on which the lieutenant governor
55 imposes the fine.

56 (2) For each fine that the lieutenant governor imposes under this chapter, the lieutenant

57 governor shall:

58 (a) report on the lieutenant governor's website, in the location where reports relating to
59 the person are available for public access:

60 (i) the statutory basis for the fine;

61 (ii) the amount of the fine;

62 (iii) the amount of the contribution or expenditure to which the fine relates; and

63 (iv) the date of the contribution or expenditure; and

64 (b) publish a summary of all reports made under Subsection (2)(a) in a centralized
65 location available for public access on the lieutenant governor's website.

66 Section 2. Section **20A-11-201** is amended to read:

67 **20A-11-201. State office -- Separate bank account for campaign funds -- No**
68 **personal use -- State office candidate reporting deadline -- Report other accounts --**
69 **Anonymous contributions.**

70 (1) (a) Each state office candidate or the candidate's personal campaign committee
71 shall deposit each contribution received in one or more separate campaign accounts in a
72 financial institution.

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

75 (i) a personal use expenditure; or

76 (ii) an expenditure prohibited by law.

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

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

82 (i) a personal use expenditure; or

83 (ii) an expenditure prohibited by law.

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

86 (b) A state officeholder or the state officeholder's personal campaign committee may
87 not deposit or mingle any contributions or public service assistance received into a personal or

88 business account.

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

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

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

101 (5) (a) As used in this Subsection (5) [~~and Section 20A-11-204~~], "received" means[~~:~~
102 the same as that term is defined in Subsection 20A-11-204(1)(b).

103 [~~(i) for a cash contribution, that the cash is given to a state office candidate or a
104 member of the candidate's personal campaign committee;~~]

105 [~~(ii) for a contribution that is a negotiable instrument or check, that the negotiable
106 instrument or check is negotiated; and]~~

107 [~~(iii) for any other type of contribution, that any portion of the contribution's benefit
108 inures to the state office candidate.~~]

109 (b) For purposes of this section, an expenditure is made at the time described in
110 Section 20A-11-204.

111 [~~(b)~~] (c) Each state office candidate shall report to the lieutenant governor each
112 contribution received and expenditure made by the state office candidate:

113 (i) except as provided in Subsection (5)[~~(b)~~](c)(ii), within 31 days after the day on
114 which the contribution is received or the expenditure is made; or

115 (ii) within [~~three~~] five business days after the day on which the contribution is received
116 or the expenditure is made, if:

117 (A) the state office candidate is contested in a convention and the contribution is
118 received or the expenditure is made within 30 days before the day on which the convention is

119 held;

120 (B) the state office candidate is contested in a primary election and the contribution is
121 received or the expenditure is made within 30 days before the day on which the primary
122 election is held; or

123 (C) the state office candidate is contested in a general election and the contribution is
124 received or the expenditure is made within 30 days before the day on which the general
125 election is held.

126 (d) If the exact amount of an expenditure cannot be determined before the deadline to
127 report the expenditure, the state office candidate shall:

128 (i) report a reasonable estimate of the amount of the expenditure before the deadline;

129 and

130 (ii) report the exact amount of the expenditure, if the amount is different than the
131 amount reported under Subsection (5)(d)(i), in an amended report or the next scheduled report.

132 ~~(e)~~ (e) Except as provided in Subsection (5)~~(d)~~(f), for each contribution or
133 expenditure that a state office candidate fails to report within the time period described in
134 Subsection (5)~~(d)~~(c), the lieutenant governor shall impose a fine against the state office
135 candidate in an amount equal to:

136 (i) the greater of \$250 or 10% of the amount of the contribution or expenditure, if the
137 state office candidate reports the contribution or expenditure within 60 days after the day on
138 which the time period described in Subsection (5)~~(d)~~(c) ends; or

139 (ii) the greater \$250 or 20% of the amount of the contribution or expenditure, if the
140 state office candidate fails to report the contribution or expenditure within 60 days after the day
141 on which the time period described in Subsection (5)~~(d)~~(c) ends.

142 ~~(f)~~ (f) The lieutenant governor may waive the fine described in Subsection (5)~~(e)~~(e)
143 and issue a warning to the state office candidate if:

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

146 (ii) the state office candidate has not previously violated Subsection (5)~~(e)~~(e) in
147 relation to a contribution paid by the state office candidate from the state office candidate's
148 personal funds; and

149 (iii) the lieutenant governor determines that the failure to timely report the contribution

150 is due to the state office candidate not understanding that the reporting requirement includes a
151 contribution paid by a state office candidate from the state office candidate's personal funds.

152 ~~[(e)]~~ (g) The lieutenant governor shall ~~[:(i)]~~ deposit money received under Subsection
153 (5)~~[(e)]~~(e) into the General Fund~~[:and]~~.

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

156 ~~[(A) each fine imposed by the lieutenant governor against the state office candidate;]~~

157 ~~[(B) the amount of the fine;]~~

158 ~~[(C) the amount of the contribution to which the fine relates; and]~~

159 ~~[(D) the date of the contribution.]~~

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

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

163 (ii) into which or from which a person who, as a candidate for an office, other than the
164 state office for which the person files a declaration of candidacy or federal office, or as a holder
165 of an office, other than a state office for which the person files a declaration of candidacy or
166 federal office, deposits a contribution or makes an expenditure.

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

169 (i) a contribution deposited in an account:

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

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

172 (ii) an expenditure made from an account:

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

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

175 (7) Within 31 days after receiving a contribution that is cash or a negotiable
176 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse
177 the amount of the contribution to:

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

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

181 501(c)(3), Internal Revenue Code.

182 Section 3. Section **20A-11-204** is amended to read:

183 **20A-11-204. State office candidate and state officeholder -- Financial reporting**
184 **requirements -- Interim reports.**

185 (1) As used in this section:

186 (a) "Campaign account" means a separate campaign account required under Subsection
187 [20A-11-201\(1\)\(a\)](#) or (c).

188 (b) "Received" means:

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

191 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
192 instrument or check is negotiated; or

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

195 (2) For purposes of this section, an expenditure is made on the earlier of:

196 (a) the date on which the action or event described in Subsection [20A-11-101\(15\)\(a\)](#)
197 occurs; or

198 (b) the date on which a benefit inures to the state office candidate if the state office
199 candidate expects or reasonably should expect to make an expenditure in exchange for the
200 benefit.

201 ~~[(1)]~~ (3) Except as provided in Subsection ~~[(2)]~~ (4), each state office candidate shall
202 file an interim report at the following times in any year in which the candidate has filed a
203 declaration of candidacy for a public office:

204 (a) (i) seven days before the candidate's political convention; or

205 (ii) for an unaffiliated candidate, the fourth Saturday in March;

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

207 (c) September 30; and

208 (d) seven days before the regular general election date.

209 ~~[(2)]~~ (4) If a state office candidate is a state office candidate seeking appointment for a
210 midterm vacancy, the state office candidate:

211 (a) shall file an interim report:

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

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

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

222 (b) is not required to file an interim report at the times described in Subsection [(1)]
223 (3).

224 [(3)(a) As used in this Subsection (3), "campaign account" means a separate campaign
225 account required under Subsection 20A-11-201(1)(a) or (c).]

226 [(b)] (5) Each state officeholder who has a campaign account that has not been
227 dissolved under Section 20A-11-205 shall, in an even year, file an interim report at the
228 following times, regardless of whether an election for the state officeholder's office is held that
229 year:

230 (a) (i) [(A)] seven days before the political convention for the political party of the state
231 officeholder; or

232 [(B)] (ii) for an unaffiliated state officeholder, the fourth Saturday in March;

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

234 [(iii)] (c) September 30; and

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

236 [(4)] (6) Each interim report shall include the following information:

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

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

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

242 (d) a detailed listing of:

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

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

247 (e) for each nonmonetary contribution:

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

250 (ii) a specific description of the contribution;

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

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

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

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

258 (i) beginning balance;

259 (ii) total contributions and public service assistance received during the period since
260 the last statement;

261 (iii) total contributions and public service assistance received to date;

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

263 (v) total expenditures to date; and

264 (j) the name of a political action committee for which the state office candidate or state
265 officeholder is designated as an officer who has primary decision-making authority under
266 Section [20A-11-601](#).

267 ~~[(5)]~~ (7) (a) In preparing each interim report, all receipts and expenditures shall be
268 reported as of five days before the required filing date of the report.

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

272 Section 4. Section **20A-11-206** is amended to read:

273 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

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

276 (2) If a state office candidate fails to file an interim report described in Subsections
277 20A-11-204~~(1)~~(3)(b) through (d), the lieutenant governor may send an electronic notice to the
278 state office candidate and the political party of which the state office candidate is a member, if
279 any, that states:

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

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

284 (3) (a) The lieutenant governor shall disqualify a state office candidate and inform the
285 county clerk and other appropriate election officials that the state office candidate is
286 disqualified if the state office candidate fails to file an interim report described in Subsections
287 20A-11-204~~(1)~~(3)(b) through (d) within 24 hours after the deadline for filing the report.

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

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

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

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

296 (b) An election official may fulfill the requirement described in Subsection (4)(a) in
297 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a
298 written notice directing the voter to a public website that will inform the voter whether a
299 candidate on the ballot is disqualified.

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

301 (a) the state office candidate timely files the reports described in Subsections
302 20A-11-204~~(1)~~(3)(b) through (d) no later than 24 hours after the applicable deadlines for
303 filing the reports;

304 (b) the reports are completed, detailing accurately and completely the information

305 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
306 and

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

309 (6) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant
310 governor shall review each filed summary report to ensure that:

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

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

314 (b) If it appears that any state office candidate has failed to file the summary report
315 required by law, if it appears that a filed summary report does not conform to the law, or if the
316 lieutenant governor has received a written complaint alleging a violation of the law or the
317 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
318 violation or receipt of a written complaint, notify the state office candidate of the violation or
319 written complaint and direct the state office candidate to file a summary report correcting the
320 problem.

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

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

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

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

331 Section 5. Section **20A-11-301** is amended to read:

332 **20A-11-301. Legislative office -- Campaign finance requirements -- Candidate as**
333 **a political action committee officer -- No personal use -- Legislative office candidate**
334 **reporting deadline -- Report other accounts -- Anonymous contributions.**

335 (1) (a) (i) Each legislative office candidate shall deposit each contribution received in

336 one or more separate accounts in a financial institution that are dedicated only to that purpose.

337 (ii) A legislative office candidate may:

338 (A) receive a contribution from a political action committee registered under Section
339 20A-11-601; and

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

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

344 (i) a personal use expenditure; or

345 (ii) an expenditure prohibited by law.

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

349 (ii) A legislative officeholder may:

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

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

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

356 (i) a personal use expenditure; or

357 (ii) an expenditure prohibited by law.

358 (2) (a) A legislative office candidate may not deposit or mingle any contributions
359 received into a personal or business account.

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

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

366 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who

367 is no longer a legislative office candidate may not expend or transfer the money in a campaign
368 account in a manner that would cause the former legislative office candidate to recognize the
369 money as taxable income under federal tax law.

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

374 (5) (a) As used in this Subsection (5) [~~and Section 20A-11-303~~], "received" means[:]
375 the same as that term is defined in Section 20A-11-303(1)(b).

376 [~~(i) for a cash contribution, that the cash is given to a legislative office candidate or a
377 member of the candidate's personal campaign committee;~~]

378 [~~(ii) for a contribution that is a negotiable instrument or check, that the negotiable
379 instrument or check is negotiated; and]~~

380 [~~(iii) for any other type of contribution, that any portion of the contribution's benefit
381 inures to the legislative office candidate.]~~

382 (b) For purposes of this section, an expenditure is made at the time described in
383 Section 20A-11-303.

384 [~~(b)~~] (c) Each legislative office candidate shall report to the lieutenant governor each
385 contribution received and expenditure made by the legislative office candidate:

386 (i) except as provided in Subsection (5)[~~(b)~~](c)(ii), within 31 days after the day on
387 which the contribution is received or the expenditure is made; or

388 (ii) within [~~three~~] five business days after the day on which the contribution is received
389 or the expenditure is made, if:

390 (A) the legislative office candidate is contested in a convention and the contribution is
391 received or the expenditure is made within 30 days before the day on which the convention is
392 held;

393 (B) the legislative office candidate is contested in a primary election and the
394 contribution is received or the expenditure is made within 30 days before the day on which the
395 primary election is held; or

396 (C) the legislative office candidate is contested in a general election and the
397 contribution is received or the expenditure is made within 30 days before the day on which the

398 general election is held.

399 (d) If the exact amount of an expenditure cannot be determined before the deadline to
 400 report the expenditure, the legislative office candidate shall:

401 (i) report a reasonable estimate of the amount of the expenditure before the deadline;

402 and

403 (ii) report the exact amount of the expenditure, if the amount is different than the
 404 amount reported under Subsection (5)(d)(i), in an amended report or the next scheduled report.

405 ~~[(e)]~~ (e) Except as provided in Subsection (5)~~[(d)]~~(f), for each contribution or
 406 expenditure that a legislative office candidate fails to report within the time period described in
 407 Subsection (5)~~[(b)]~~(c), the lieutenant governor shall impose a fine against the legislative office
 408 candidate in an amount equal to:

409 (i) the greater of \$250 or 10% of the amount of the contribution or expenditure, if the
 410 legislative office candidate reports the contribution or expenditure within 60 days after the day
 411 on which the time period described in Subsection (5)~~[(b)]~~(c) ends; or

412 (ii) the greater of \$250 or 20% of the amount of the contribution or expenditure, if the
 413 legislative office candidate fails to report the contribution or expenditure within 60 days after
 414 the day on which the time period described in Subsection (5)~~[(b)]~~(c) ends.

415 ~~[(d)]~~ (f) The lieutenant governor may waive the fine described in Subsection (5)~~[(e)]~~(e)
 416 and issue a warning to the legislative office candidate if:

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

419 (ii) the legislative office candidate has not previously violated Subsection (5)~~[(e)]~~(e) in
 420 relation to a contribution paid by the legislative office candidate from the legislative office
 421 candidate's personal funds; and

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

426 ~~[(e)]~~ (g) The lieutenant governor shall~~[-(i)]~~ deposit money received under Subsection
 427 (5)~~[(e)]~~(e) into the General Fund~~[-and]~~.

428 ~~[(i)]~~ report on the lieutenant governor's website, in the location where reports relating

429 to each legislative office candidate are available for public access:]

430 [~~(A) each fine imposed by the lieutenant governor against the legislative office~~
431 ~~candidate;~~]

432 [~~(B) the amount of the fine;~~]

433 [~~(C) the amount of the contribution to which the fine relates; and]~~

434 [~~(D) the date of the contribution.~~]

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

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

440 (b) an organization that is exempt from federal income taxation under Section
441 501(c)(3), Internal Revenue Code.

442 (7) (a) As used in this Subsection (7), "account" means an account in a financial
443 institution:

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

445 (ii) into which or from which a person who, as a candidate for an office, other than a
446 legislative office for which the person files a declaration of candidacy or federal office, or as a
447 holder of an office, other than a legislative office for which the person files a declaration of
448 candidacy or federal office, deposits a contribution or makes an expenditure.

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

451 (i) a contribution deposited in an account:

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

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

454 (ii) an expenditure made from an account:

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

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

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

458 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**
459 **reporting requirements -- Interim reports.**

460 (1) ~~(a)~~ As used in this ~~[Subsection (1), "campaign]~~ section:

461 (a) "Campaign account" means a separate campaign account required under Subsection
462 20A-11-301(1)(a)(i) or (c)(i).

463 (b) "Received" means:

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

466 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
467 instrument or check is negotiated; or

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

470 (2) For purposes of this section, an expenditure is made on the earlier of:

471 (a) the date on which the action or event described in Subsection 20A-11-101(15)(a)
472 occurs; or

473 (b) the date on which a benefit inures to the legislative office candidate if the
474 legislative office candidate expects or reasonably should expect to make an expenditure in
475 exchange for the benefit.

476 ~~(b)~~ (3) (a) Except as provided in Subsection ~~[(2)]~~ (4), each legislative office
477 candidate shall file an interim report at the following times in any year in which the candidate
478 has filed a declaration of candidacy for a public office:

479 (i) (A) seven days before the candidate's political convention; or

480 (B) for an unaffiliated candidate, the fourth Saturday in March;

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

482 (iii) September 30; and

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

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

488 (i) (A) seven days before the political convention for the political party of the
489 legislative officeholder; or

490 (B) for an unaffiliated legislative officeholder, the fourth Saturday in March;

- 491 (ii) seven days before the regular primary election date for that year;
- 492 (iii) September 30; and
- 493 (iv) seven days before the regular general election date.
- 494 ~~[(2)]~~ (4) If a legislative office candidate is a legislative office candidate seeking
- 495 appointment for a midterm vacancy, the legislative office candidate:
- 496 (a) shall file an interim report:
- 497 (i) (A) seven days before the day on which the political party of the party for which the
- 498 legislative office candidate seeks nomination meets to declare a nominee for the governor to
- 499 appoint in accordance with Section 20A-1-503; and
- 500 (B) two days before the day on which the political party of the party for which the
- 501 legislative office candidate seeks nomination meets to declare a nominee for the governor to
- 502 appoint in accordance with Section 20A-1-503; or
- 503 (ii) if the legislative office candidate decides to seek the appointment with less than
- 504 seven days before the party meets, or the political party schedules the meeting to declare a
- 505 nominee less than seven days before the day of the meeting, two days before the day on which
- 506 the party meets; and
- 507 (b) is not required to file an interim report at the times described in Subsection ~~[(1)(b)]~~
- 508 (3)(a).
- 509 ~~[(3)]~~ (5) Each interim report shall include the following information:
- 510 (a) the net balance of the last summary report, if any;
- 511 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 512 reports, if any, during the calendar year in which the interim report is due;
- 513 (c) a single figure equal to the total amount of expenditures reported on all prior
- 514 interim reports, if any, filed during the calendar year in which the interim report is due;
- 515 (d) a detailed listing of:
- 516 (i) for a legislative office candidate, each contribution received since the last summary
- 517 report that has not been reported in detail on a prior interim report; or
- 518 (ii) for a legislative officeholder, each contribution and public service assistance
- 519 received since the last summary report that has not been reported in detail on a prior interim
- 520 report;
- 521 (e) for each nonmonetary contribution:

- 522 (i) the fair market value of the contribution with that information provided by the
523 contributor; and
- 524 (ii) a specific description of the contribution;
- 525 (f) a detailed listing of each expenditure made since the last summary report that has
526 not been reported in detail on a prior interim report;
- 527 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 528 (h) a net balance for the year consisting of the net balance from the last summary
529 report, if any, plus all receipts since the last summary report minus all expenditures since the
530 last summary report;
- 531 (i) a summary page in the form required by the lieutenant governor that identifies:
- 532 (i) beginning balance;
- 533 (ii) total contributions and public service assistance received during the period since
534 the last statement;
- 535 (iii) total contributions and public service assistance received to date;
- 536 (iv) total expenditures during the period since the last statement; and
- 537 (v) total expenditures to date; and
- 538 (j) the name of a political action committee for which the legislative office candidate or
539 legislative officeholder is designated as an officer who has primary decision-making authority
540 under Section [20A-11-601](#).
- 541 ~~[(4)]~~ (6) (a) In preparing each interim report, all receipts and expenditures shall be
542 reported as of five days before the required filing date of the report.
- 543 (b) Any negotiable instrument or check received by a legislative office candidate or
544 legislative officeholder more than five days before the required filing date of a report required
545 by this section shall be included in the interim report.
- 546 Section 7. Section **20A-11-305** is amended to read:
- 547 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**
- 548 (1) A legislative office candidate who fails to file a financial statement before the
549 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).
- 550 (2) If a legislative office candidate fails to file an interim report described in
551 Subsections [20A-11-303](#)~~[(1)(b)]~~[\(3\)\(a\)\(ii\)](#) through (iv), the lieutenant governor may send an
552 electronic notice to the legislative office candidate and the political party of which the

553 legislative office candidate is a member, if any, that states:

554 (a) that the legislative office candidate failed to timely file the report; and

555 (b) that, if the legislative office candidate fails to file the report within 24 hours after
556 the deadline for filing the report, the legislative office candidate will be disqualified and the
557 political party will not be permitted to replace the candidate.

558 (3) (a) The lieutenant governor shall disqualify a legislative office candidate and
559 inform the county clerk and other appropriate election officials that the legislative office
560 candidate is disqualified if the legislative office candidate fails to file an interim report
561 described in Subsections ~~20A-11-303(1)(b)~~(3)(a)(ii) through (iv) within 24 hours after the
562 deadline for filing the report.

563 (b) The political party of a legislative office candidate who is disqualified under
564 Subsection (3)(a) may not replace the legislative office candidate.

565 (4) (a) If a legislative office candidate is disqualified under Subsection (3)(a), the
566 election officer shall:

567 (i) remove the legislative office candidate's name from the ballot; or

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

571 (b) An election official may fulfill the requirement described in Subsection (4)(a) in
572 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a
573 written notice directing the voter to a public website that will inform the voter whether a
574 candidate on the ballot is disqualified.

575 (5) A legislative office candidate is not disqualified if:

576 (a) the legislative office candidate files the reports described in Subsections
577 ~~20A-11-303(1)(b)~~(3)(a)(ii) through (iv) no later than 24 hours after the applicable deadlines
578 for filing the reports;

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

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

584 (6) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant
585 governor shall review each filed summary report to ensure that:

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

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

589 (b) If it appears that any legislative office candidate has failed to file the summary
590 report required by law, if it appears that a filed summary report does not conform to the law, or
591 if the lieutenant governor has received a written complaint alleging a violation of the law or the
592 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
593 violation or receipt of a written complaint, notify the legislative office candidate of the
594 violation or written complaint and direct the legislative office candidate to file a summary
595 report correcting the problem.

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

599 (ii) Each legislative office candidate who violates Subsection (6)(c)(i) is guilty of a
600 class B misdemeanor.

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

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

606 Section 8. Section **20A-11-403** is amended to read:

607 **20A-11-403. Failure to file -- Penalties.**

608 (1) Within 60 days after a deadline for the filing of a summary report, the lieutenant
609 governor shall review each filed summary report to ensure that:

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

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

612 (2) If it appears that any officeholder has failed to file the summary report required by
613 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
614 governor has received a written complaint alleging a violation of the law or the falsity of any

615 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
616 violation has occurred:

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

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

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

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

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

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

630 (4) Within 60 days after a deadline for the filing of an interim report by an officeholder
631 under Subsection 20A-11-204~~(2)~~(4), 20A-11-303~~(1)(c)~~(3)(b), or 20A-11-1303(1)(d), the
632 lieutenant governor shall review each filed interim report to ensure that each interim report
633 contains the information required for the report.

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

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

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

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

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

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

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

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

654 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

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

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

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

659 (c) September 30; and

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

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

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

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

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

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

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

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

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

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

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

- 677 (i) beginning balance;
- 678 (ii) total contributions during the period since the last statement;
- 679 (iii) total contributions to date;
- 680 (iv) total expenditures during the period since the last statement; and
- 681 (v) total expenditures to date.
- 682 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 683 reported without separate detailed listings.
- 684 (b) Two or more contributions from the same source that have an aggregate total of
- 685 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 686 (4) In preparing each interim report, all receipts and expenditures shall be reported as
- 687 of five days before the required filing date of the report.
- 688 (5) (a) For purposes of this section, an expenditure is made on the earlier of:
- 689 (i) the date on which the action or event described in Subsection [20A-11-101\(15\)\(a\)](#)
- 690 occurs; or
- 691 (ii) the date on which a benefit inures to the county political party if the county
- 692 political party expects or reasonably should expect to make an expenditure in exchange for the
- 693 benefit, contract, promise, agreement, or transfer in exchange for the benefit.
- 694 (b) If the exact amount of an expenditure cannot be determined before the deadline to
- 695 report the expenditure, the county political party shall:
- 696 (i) report a reasonable estimate of the amount of the expenditure before the deadline;
- 697 and
- 698 (ii) report the exact amount of the expenditure, if the amount is different than the
- 699 amount reported under Subsection (5)(b)(i), in an amended report or the next scheduled report.
- 700 Section 10. Section **20A-11-511** is amended to read:
- 701 **20A-11-511. County political party financial reporting requirements -- Interim**
- 702 **reports.**
- 703 (1) (a) A county political party officer of a county political party that has received
- 704 contributions totaling at least \$750, or disbursed expenditures totaling at least \$750, during a
- 705 calendar year shall file an interim report at the following times in any year in which there is a
- 706 regular general election:
- 707 (i) seven days before the county political party's convention;

- 708 (ii) seven days before the regular primary election date;
- 709 (iii) September 30; and
- 710 (iv) seven days before the general election date.
- 711 (b) A county political party officer need not file an interim report if it received no
- 712 contributions or made no expenditures during the reporting period.
- 713 (2) Each interim report shall include the following information:
- 714 (a) the net balance of the last financial statement, if any;
- 715 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 716 reports, if any, during the calendar year in which the interim report is due;
- 717 (c) a single figure equal to the total amount of expenditures reported on all prior
- 718 interim reports, if any, filed during the calendar year in which the interim report is due;
- 719 (d) a detailed listing of each contribution received since the last summary report that
- 720 has not been reported in detail on a prior interim report;
- 721 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 722 (f) a detailed listing of each expenditure made since the last summary report that has
- 723 not been reported in detail on a prior interim report;
- 724 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 725 (h) a net balance for the year consisting of the net balance from the last summary
- 726 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 727 last summary report; and
- 728 (i) a summary page in the form required by the lieutenant governor that identifies:
- 729 (i) beginning balance;
- 730 (ii) total contributions during the period since the last statement;
- 731 (iii) total contributions to date;
- 732 (iv) total expenditures during the period since the last statement; and
- 733 (v) total expenditures to date.
- 734 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 735 reported without separate detailed listings.
- 736 (b) Two or more contributions from the same source that have an aggregate total of
- 737 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 738 (4) In preparing each interim report, all receipts and expenditures shall be reported as

739 of five days before the required filing date of the report.

740 (5) (a) For purposes of this section, an expenditure is made on the earlier of:

741 (i) the date on which the action or event described in Subsection [20A-11-101\(15\)\(a\)](#)

742 occurs; or

743 (ii) the date on which a benefit inures to the county political party if the county
 744 political party expects or reasonably should expect to make an expenditure in exchange for the
 745 benefit, contract, promise, agreement, or transfer in exchange for the benefit.

746 (b) If the exact amount of an expenditure cannot be determined before the deadline to
 747 report the expenditure, the county political party shall:

748 (i) report a reasonable estimate of the amount of the expenditure before the deadline;

749 and

750 (ii) report the exact amount of the expenditure, if the amount is different than the
 751 amount reported under Subsection (5)(b)(i), in an amended report or the next scheduled report.

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

753 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

760 (iii) seven days before the county political convention of a political party, if the
 761 political action committee makes an expenditure on or before the day described in Subsection
 762 (1)(b)(ii) in relation to a candidate that the party may nominate at the convention;

763 (iv) seven days before the regular primary election date;

764 (v) on September 30; and

765 (vi) seven days before:

766 (A) the municipal general election; and

767 (B) the regular general election.

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

769 (i) a detailed listing of all contributions received and expenditures made since the last

770 statement; and

771 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
772 contributions and expenditures as of five days before the required filing date of the financial
773 statement.

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

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

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

779 (ii) the identification of any publicly identified class of individuals that makes a
780 contribution to the reporting political action committee, if known, and the amount of the
781 contribution;

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

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

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

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

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

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

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

794 (A) beginning balance;

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

796 (C) total contributions to date;

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

798 (E) total expenditures to date.

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

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

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

806 (i) includes the independent expenditure;

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

808 (iii) provides the information, described in Section 20A-11-1704, in relation to the
809 independent expenditure.

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

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

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

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

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

819 (b) For purposes of this section, an expenditure is made on the earlier of:

820 (i) the date on which the action or event described in Subsection 20A-11-101(15)(a)
821 occurs; or

822 (ii) the date on which a benefit inures to the political action committee if the political
823 action committee expects or reasonably should expect to make an expenditure in exchange for
824 the benefit, contract, promise, agreement, or transfer in exchange for the benefit.

825 ~~(b)~~ (c) A political action committee shall report each contribution and expenditure to
826 the lieutenant governor within 31 days after the contribution is received or the expenditure is
827 made.

828 (d) If the exact amount of an expenditure cannot be determined before the deadline to
829 report the expenditure, the political action committee shall:

830 (i) report a reasonable estimate of the amount of the expenditure before the deadline;

831 and

832 (ii) report the exact amount of the expenditure, if the amount is different than the
833 amount reported under Subsection (4)(d)(i), in an amended report or the next scheduled report.

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

836 (a) is cash or a negotiable instrument;

837 (b) exceeds \$50; and

838 (c) is from an unknown source.

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

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

844 (b) an organization that is exempt from federal income taxation under Section
845 501(c)(3), Internal Revenue Code.

846 Section 12. Section **20A-11-701.5** is amended to read:

847 **20A-11-701.5. Campaign financial reporting by corporations -- Filing**
848 **requirements -- Statement contents.**

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

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

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

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

855 (iv) on September 30; and

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

857 (b) The corporation shall report:

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

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

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

863 (A) has bid since the last financial statement on a contract, as defined in Section
864 [63G-6a-103](#), in excess of \$100,000;

865 (B) is currently bidding on a contract, as defined in Section [63G-6a-103](#), in excess of
866 \$100,000; or

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

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

870 (d) The corporation is not required to report an expenditure made to, or on behalf of, a
871 reporting entity that the reporting entity is required to include in a financial statement described
872 in this chapter, Chapter 12, Part 2, Judicial Retention Elections, Section [10-3-208](#), or Section
873 [17-16-6.5](#).

874 (e) For purposes of this section, an expenditure is made on the earlier of:

875 (i) the date on which the action or event described in Subsection [20A-11-101\(15\)\(a\)](#)
876 occurs; or

877 (ii) the date on which a benefit inures to the corporation if the corporation expects or
878 reasonably should expect to make an expenditure in exchange for the benefit, contract,
879 promise, agreement, or transfer in exchange for the benefit.

880 (f) If the exact amount of an expenditure cannot be determined before the deadline to
881 report the expenditure, the corporation shall:

882 (i) report a reasonable estimate of the amount of the expenditure before the deadline;

883 and

884 (ii) report the exact amount of the expenditure, if the amount is different than the
885 amount reported under Subsection (1)(f)(i), in an amended report or the next scheduled report.

886 (2) The financial statement shall include:

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

889 (b) the total amount of expenditures disbursed by the corporation; and

890 (c) a statement by the corporation's treasurer or chief financial officer certifying the
891 accuracy of the financial statement.

892 Section 13. Section [20A-11-801](#) is amended to read:

893 **[20A-11-801](#). Political issues committees -- Registration -- Criminal penalty for**

894 **providing false information or accepting unlawful contribution.**

895 (1) (a) Unless the political issues committee has filed a notice of dissolution under
896 Subsection (4), each political issues committee shall file a statement of organization with the
897 lieutenant governor's office:

- 898 (i) before 5 p.m. on January 10 of each year; or
- 899 (ii) electronically, before midnight on January 10 of each year.

900 (b) If a political issues committee is organized after the filing deadline described in
901 Subsection (1)(a), the political issues committee shall file an initial statement of organization
902 no later than seven days after the day on which the political issues committee:

- 903 (i) receives political issues contributions totaling at least \$750; or
- 904 (ii) distributes political issues expenditures totaling at least \$750.
- 905 (c) Each political issues committee shall deposit each contribution received into one or
906 more separate accounts in a financial institution that are dedicated only to that purpose.

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

909 (b) An individual may not exercise primary decision-making authority for a political
910 issues committee if the individual is not designated under Subsection (2)(a).

911 (3) The statement of organization shall include:

- 912 (a) the name and address of the political issues committee;
- 913 (b) the name, address, phone number, occupation, and title of the two primary officers
914 designated under Subsection (2);
- 915 (c) the name, address, occupation, and title of all other officers of the political issues
916 committee;
- 917 (d) the name and address of the organization, individual, corporation, association, unit
918 of government, or union that the political issues committee represents, if any;
- 919 (e) the name and address of all affiliated or connected organizations and their
920 relationships to the political issues committee;
- 921 (f) the name, residential address, business address, occupation, and phone number of
922 the committee's treasurer or chief financial officer;
- 923 (g) the name, address, and occupation of each member of the supervisory and advisory
924 boards, if any; and

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

927 (4) (a) A registered political issues committee that intends to permanently cease
928 operations during a calendar year shall:

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

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

934 (b) A political issues committee may not donate money to a political action committee,
935 but may accept a contribution from a political action committee.

936 (c) Any notice of dissolution filed by a political issues committee does not exempt that
937 political issues committee from complying with the financial reporting requirements of this
938 chapter in relation to all contributions received, and all expenditures made, before, at, or after
939 dissolution.

940 (d) A political issues committee shall report all money donated or expended under
941 Subsection (4)(a) in a financial report to the lieutenant governor, in accordance with the
942 financial reporting requirements described in this chapter.

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

946 (b) A political issues committee shall:

947 (i) file a notice of a change of a primary officer described in Subsection (2)(a) before 5
948 p.m. within 10 days after the day on which the change occurs; and

949 (ii) include in the notice of change the name and title of the officer being replaced and
950 the name, address, occupation, and title of the new officer.

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

954 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting
955 an unlawful contribution if the political issues committee knowingly or recklessly accepts a

956 contribution from a corporation that:

957 (i) was organized less than 90 days before the date of the general election; and
958 (ii) at the time the political issues committee accepts the contribution, has failed to file
959 a statement of organization with the lieutenant governor's office as required by Section
960 [20A-11-704](#).

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

962 (7) (a) As used in this Subsection (7), "received" means:

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

964 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
965 instrument or check is negotiated; [~~and~~] or

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

968 (b) For purposes of this section, an expenditure is made on the earlier of:

969 (i) the date on which the action or event described in Subsection [20A-11-101\(15\)\(a\)](#)
970 occurs; or

971 (ii) the date on which a benefit inures to the political issues committee if the political
972 issues committee expects or reasonably should expect to make an expenditure in exchange for
973 the benefit, contract, promise, agreement, or transfer in exchange for the benefit.

974 (c) If the exact amount of an expenditure cannot be determined before the deadline to
975 report the expenditure, the political issues committee shall:

976 (i) report a reasonable estimate of the amount of the expenditure before the deadline;
977 and

978 (ii) report the exact amount of the expenditure, if the amount is different than the
979 amount reported under Subsection (7)(c)(i), in an amended report or the next scheduled report.

980 [~~(b)~~] (d) Each political issues committee shall report to the lieutenant governor each
981 contribution received and expenditure made by the political issues committee within [~~three~~]
982 five business days after the day on which the contribution is received or the expenditure is
983 made if the contribution is received or the expenditure is made within 30 days before the last
984 day on which the sponsors of the initiative or referendum described in Subsection
985 [20A-11-801\(3\)\(h\)](#) may submit signatures to qualify the initiative or referendum for the ballot.

986 [~~(e)~~] (e) For each contribution or expenditure that a political issues committee fails to

987 report within the period described in Subsection (7)(b)(d), the lieutenant governor shall
 988 impose a fine against the political issues committee in an amount equal to:

989 (i) the greater of \$250 or 10% of the amount of the contribution or expenditure, if the
 990 political issues committee reports the contribution or expenditure within 60 days after the last
 991 day on which the political issues committee should have reported the contribution or
 992 expenditure under Subsection (7)(b)(d); or

993 (ii) the greater of \$250 or 20% of the amount of the contribution or expenditure, if the
 994 political issues committee fails to report the contribution or expenditure within 60 days after
 995 the last day on which the political issues committee should have reported the contribution or
 996 expenditure under Subsection (7)(b)(d).

997 ~~(f)~~ (f) The lieutenant governor shall ~~[(f)]~~ deposit money received under Subsection
 998 (7)(e)(e) into the General Fund ~~[(e)]~~ ~~and~~.

999 ~~[(ii) report on the lieutenant governor's website, in the location where reports relating~~
 1000 ~~to each political issues committee are available for public access:]~~

1001 ~~[(A) each fine imposed by the lieutenant governor against the political issues~~
 1002 ~~committee;]~~

1003 ~~[(B) the amount of the fine;]~~

1004 ~~[(C) the amount of the contribution to which the fine relates; and]~~

1005 ~~[(D) the date of the contribution.]~~

1006 Section 14. Section **20A-11-802** is amended to read:

1007 **20A-11-802. Political issues committees -- Financial reporting.**

1008 (1) (a) Each registered political issues committee that has received political issues
 1009 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
 1010 \$750, during a calendar year, shall file a verified financial statement with the lieutenant
 1011 governor's office:

1012 (i) on January 10, reporting contributions and expenditures as of December 31 of the
 1013 previous year;

1014 (ii) seven days before the state political convention of each major political party;

1015 (iii) seven days before the regular primary election date;

1016 (iv) seven days before the date of an incorporation election, if the political issues
 1017 committee has received or expended funds to affect an incorporation;

- 1018 (v) at least three days before the first public hearing held as required by Section
1019 [20A-7-204.1](#);
- 1020 (vi) if the political issues committee has received or expended funds in relation to an
1021 initiative or referendum, five days before the deadline for the initiative or referendum sponsors
1022 to submit:
- 1023 (A) the verified and certified initiative packets under Section [20A-7-206](#); or
1024 (B) the signed and verified referendum packets under Section [20A-7-306](#);
- 1025 (vii) on September 30; and
1026 (viii) seven days before:
- 1027 (A) the municipal general election; and
1028 (B) the regular general election.
- 1029 (b) The political issues committee shall report:
- 1030 (i) a detailed listing of all contributions received and expenditures made since the last
1031 statement; and
1032 (ii) all contributions and expenditures as of five days before the required filing date of
1033 the financial statement, except for a financial statement filed on January 10.
- 1034 (c) The political issues committee need not file a statement under this section if it
1035 received no contributions and made no expenditures during the reporting period.
- 1036 (d) For purposes of this section, an expenditure is made on the earlier of:
- 1037 (i) the date on which the action or event described in Subsection [20A-11-101\(15\)\(a\)](#)
1038 occurs; or
- 1039 (ii) the date on which a benefit inures to the political issues committee if the political
1040 issues committee expects or reasonably should expect to make an expenditure in exchange for
1041 the benefit, contract, promise, agreement, or transfer in exchange for the benefit.
- 1042 (e) If the exact amount of an expenditure cannot be determined before the deadline to
1043 report the expenditure, the political issues committee shall:
- 1044 (i) report a reasonable estimate of the amount of the expenditure before the deadline;
1045 and
- 1046 (ii) report the exact amount of the expenditure, if the amount is different than the
1047 amount reported under Subsection (1)(e)(i), in an amended report or the next scheduled report.
- 1048 (2) (a) That statement shall include:

1049 (i) the name and address, if known, of any individual who makes a political issues
1050 contribution to the reporting political issues committee, and the amount of the political issues
1051 contribution;

1052 (ii) the identification of any publicly identified class of individuals that makes a
1053 political issues contribution to the reporting political issues committee, and the amount of the
1054 political issues contribution;

1055 (iii) the name and address, if known, of any political issues committee, group, or entity
1056 that makes a political issues contribution to the reporting political issues committee, and the
1057 amount of the political issues contribution;

1058 (iv) the name and address of each reporting entity that makes a political issues
1059 contribution to the reporting political issues committee, and the amount of the political issues
1060 contribution;

1061 (v) for each nonmonetary contribution, the fair market value of the contribution;

1062 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
1063 entity, or group of individuals or entities that received a political issues expenditure of more
1064 than \$50 from the reporting political issues committee, and the amount of each political issues
1065 expenditure;

1066 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1067 (viii) the total amount of political issues contributions received and political issues
1068 expenditures disbursed by the reporting political issues committee;

1069 (ix) a statement by the political issues committee's treasurer or chief financial officer
1070 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

1071 (x) a summary page in the form required by the lieutenant governor that identifies:

1072 (A) beginning balance;

1073 (B) total contributions during the period since the last statement;

1074 (C) total contributions to date;

1075 (D) total expenditures during the period since the last statement; and

1076 (E) total expenditures to date.

1077 (b) (i) Political issues contributions received by a political issues committee that have a
1078 value of \$50 or less need not be reported individually, but shall be listed on the report as an
1079 aggregate total.

1080 (ii) Two or more political issues contributions from the same source that have an
1081 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
1082 separately.

1083 (c) When reporting political issue expenditures made to circulators of initiative
1084 petitions, the political issues committee:

1085 (i) need only report the amount paid to each initiative petition circulator; and

1086 (ii) need not report the name or address of the circulator.

1087 (3) (a) As used in this Subsection (3), "received" means:

1088 (i) for a cash contribution, that the cash is given to a political issues committee;

1089 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1090 instrument or check is negotiated; [~~and~~] or

1091 (iii) for any other type of contribution, that any portion of the contribution's benefit
1092 inures to the political issues committee.

1093 (b) A political issues committee shall report each contribution and expenditure to the
1094 lieutenant governor within 31 days after the contribution is received or the expenditure is made.

1095 (4) A political issues committee may not expend a contribution for a political issues
1096 expenditure if the contribution:

1097 (a) is cash or a negotiable instrument;

1098 (b) exceeds \$50; and

1099 (c) is from an unknown source.

1100 (5) Within 31 days after receiving a contribution that is cash or a negotiable
1101 instrument, exceeds \$50, and is from an unknown source, a political issues committee shall
1102 disburse the amount of the contribution to:

1103 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1104 political subdivision's general fund; or

1105 (b) an organization that is exempt from federal income taxation under Section
1106 501(c)(3), Internal Revenue Code.

1107 Section 15. Section **20A-11-901** is amended to read:

1108 **20A-11-901. Political advertisements -- Requirement that ads designate**
1109 **responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of**
1110 **endorsements -- Penalties.**

1111 (1) As used in this section:

1112 (a) (i) "Advertisement" means any paid mass communication that has the goal of
1113 influencing political debate.

1114 (ii) "Advertisement" includes making an expenditure to send 20 or more identical or
1115 substantially similar electronic messages within any 24-hour period when done for a political
1116 purpose or in relation to a ballot proposition.

1117 (b) "Electronic message" means an email, text, or other form of electronic
1118 communication.

1119 ~~[(+)]~~ (2) (a) Whenever any person makes an expenditure for the purpose of financing
1120 an advertisement expressly advocating for the election or defeat of a clearly identified
1121 candidate, or solicits any contribution through any broadcasting station, newspaper, magazine,
1122 outdoor advertising facility, direct mailing, or any other type of general public political
1123 advertising, the advertisement:

1124 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
1125 shall clearly state that the advertisement has been paid for by the candidate or the campaign
1126 committee;

1127 (ii) if paid for by another person but authorized by a candidate or the candidate's
1128 campaign committee, shall clearly state who paid for the advertisement and that the candidate
1129 or the campaign committee authorized the advertisement; or

1130 (iii) if not authorized by a candidate or a candidate's campaign committee, shall clearly
1131 state the name of the person who paid for the advertisement and state that the advertisement is
1132 not authorized by any candidate or candidate's committee.

1133 ~~[(2)]~~ (3) (a) A person that makes an expenditure for the purpose of financing an
1134 advertisement related to a ballot proposition shall ensure that the advertisement complies with
1135 Subsection ~~[(2)]~~ (3)(b) if the advertisement expressly advocates:

1136 (i) for placing a ballot proposition on the ballot;

1137 (ii) for keeping a ballot proposition off the ballot;

1138 (iii) that a voter refrain from voting on a ballot proposition; or

1139 (iv) that a voter vote for or against a ballot proposition.

1140 (b) An advertisement described in Subsection ~~[(2)]~~ (3)(a) shall:

1141 (i) if paid for by a political issues committee, clearly state that the advertisement was

1142 paid for by the political issues committee;

1143 (ii) if paid for by another person but authorized by a political issues committee, clearly
1144 state who paid for the advertisement and that the political issues committee authorized the
1145 advertisement; or

1146 (iii) if not authorized by a political issues committee, clearly state the name of the
1147 person who paid for the advertisement and state that the advertisement is not authorized by any
1148 political issues committee.

1149 [~~(3)~~] (4) The requirements of Subsections [~~(1)~~ and] (2) and (3) do not apply to:

1150 (a) lawn signs with dimensions of four by eight feet or smaller;

1151 (b) bumper stickers;

1152 (c) campaign pins, buttons, and pens; or

1153 (d) similar small items upon which the disclaimer cannot be conveniently printed.

1154 [~~(4)~~] (5) (a) A person who is not a reporting entity and pays for an electioneering
1155 communication shall file a report with the lieutenant governor within 24 hours of making the
1156 payment or entering into a contract to make the payment.

1157 (b) The report shall include:

1158 (i) the name and address of the person described in Subsection [~~(4)~~] (5)(a);

1159 (ii) the name and address of each person contributing at least \$100 to the person
1160 described in Subsection [~~(4)~~] (5)(a) for the purpose of disseminating the electioneering
1161 communication;

1162 (iii) the amount spent on the electioneering communication;

1163 (iv) the name of the identified referenced candidate; and

1164 (v) the medium used to disseminate the electioneering communication.

1165 [~~(5)~~] (6) A person may not, in order to promote the success of any candidate for
1166 nomination or election to any public office, or in connection with any question submitted to the
1167 voters, include or cause to be included the name of any person as endorser or supporter in any
1168 political advertisement, circular, poster, or publication without the express consent of that
1169 person.

1170 [~~(6)~~] (7) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of
1171 any newspaper or other periodical to induce him to advocate or oppose editorially any
1172 candidate for nomination or election.

1173 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
1174 advocate or oppose editorially any candidate for nomination or election.

1175 (8) (a) The lieutenant governor shall:

1176 (i) impose a civil fine equal to the greater of \$250 or 10% of the fair market value of
1177 the advertisement or electioneering communication on a person who violates a provision of this
1178 section; and

1179 (ii) deposit money received under Subsection (8)(a)(i) into the General Fund.

1180 (b) In addition to the penalty described in Subsection (8)(a), a person who violates a
1181 provision of this section is subject to the penalties described in Section [20A-1-609](#).

1182 Section 16. Section **20A-11-905** is amended to read:

1183 **20A-11-905. Election polls -- Disclosure required.**

1184 (1) A person who conducts a poll shall disclose to the person being surveyed who paid
1185 for the poll before or at the conclusion of the poll.

1186 (2) (a) The lieutenant governor shall:

1187 ~~[(a)]~~ (i) impose a ~~[\$100 fine]~~ civil fine of 10% of the fair market value of the poll on a
1188 person who fails to make the disclosure required under Subsection (1); and

1189 ~~[(b)]~~ (ii) deposit the fine described in Subsection (2)(a)(i) in the General Fund.

1190 (b) In addition to the penalty described in Subsection (2)(a), a person who violates
1191 Subsection (1) is subject to the penalties described in Section [20A-1-609](#).

1192 (3) A person does not violate Subsection (1) if the person is prevented from making the
1193 disclosure at the conclusion of the poll, because the person being surveyed terminates the
1194 survey before the survey is completed.

1195 Section 17. Section **20A-11-1005** is amended to read:

1196 **20A-11-1005. Fines for failing to file a financial statement.**

1197 (1) Except ~~[as provided in Subsection [20A-11-512\(4\)](#)]~~ where another civil penalty is
1198 expressly stated, the chief election officer shall fine a filing entity \$100 for failing to file a
1199 financial statement by the filing deadline.

1200 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a
1201 manner similar to Subsection [20A-9-201\(8\)\(d\)](#), the chief election officer shall impose the fine
1202 against the candidate or treasurer, as appropriate.

1203 (3) The chief election officer shall deposit fines collected under this chapter in the

1204 General Fund.

1205 Section 18. Section **20A-11-1301** is amended to read:

1206 **20A-11-1301. School board office -- Campaign finance requirements -- Candidate**
1207 **as a political action committee officer -- No personal use -- Reporting deadline -- Report**
1208 **other accounts -- Anonymous contributions.**

1209 (1) (a) (i) Each school board office candidate shall deposit each contribution received
1210 in one or more separate accounts in a financial institution that are dedicated only to that
1211 purpose.

1212 (ii) A school board office candidate may:

1213 (A) receive a contribution from a political action committee registered under Section
1214 [20A-11-601](#); and

1215 (B) be designated by a political action committee as an officer who has primary
1216 decision-making authority as described in Section [20A-11-601](#).

1217 (b) A school board office candidate may not use money deposited in an account
1218 described in Subsection (1)(a)(i) for:

1219 (i) a personal use expenditure; or

1220 (ii) an expenditure prohibited by law.

1221 (c) (i) Each school board officeholder shall deposit each contribution and public
1222 service assistance received in one or more separate accounts in a financial institution that are
1223 dedicated only to that purpose.

1224 (ii) A school board officeholder may:

1225 (A) receive a contribution or public service assistance from a political action
1226 committee registered under Section [20A-11-601](#); and

1227 (B) be designated by a political action committee as an officer who has primary
1228 decision-making authority as described in Section [20A-11-601](#).

1229 (d) A school board officeholder may not use money deposited in an account described
1230 in Subsection (1)(a)(i) or (1)(c)(i) for:

1231 (i) a personal use expenditure; or

1232 (ii) an expenditure prohibited by law.

1233 (2) (a) A school board office candidate may not deposit or mingle any contributions
1234 received into a personal or business account.

1235 (b) A school board officeholder may not deposit or mingle any contributions or public
1236 service assistance received into a personal or business account.

1237 (3) A school board office candidate or school board officeholder may not make any
1238 political expenditures prohibited by law.

1239 (4) If a person who is no longer a school board office candidate chooses not to expend
1240 the money remaining in a campaign account, the person shall continue to file the year-end
1241 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1242 summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

1243 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1244 is no longer a school board office candidate may not expend or transfer the money in a
1245 campaign account in a manner that would cause the former school board office candidate to
1246 recognize the money as taxable income under federal tax law.

1247 (b) A person who is no longer a school board office candidate may transfer the money
1248 in a campaign account in a manner that would cause the former school board office candidate
1249 to recognize the money as taxable income under federal tax law if the transfer is made to a
1250 campaign account for federal office.

1251 (6) (a) (i) As used in this Subsection (6), "received" means the same as that term is
1252 defined in Subsection 20A-11-1303(1)(a).

1253 (ii) For purposes of this section, an expenditure is made on the earlier of:

1254 (A) the date on which the action or event described in Subsection 20A-11-101(15)(a)
1255 occurs; or

1256 (B) the date on which a benefit inures to the school board office candidate if the school
1257 board office candidate expects or reasonably should expect to make an expenditure in exchange
1258 for the benefit, contract, promise, agreement, or transfer in exchange for the benefit.

1259 (b) Except as provided in Subsection (6)(~~(d)~~)(e), each school board office candidate
1260 shall report to the chief election officer each contribution received and expenditure made by the
1261 school board office candidate:

1262 (i) except as provided in Subsection (6)(~~(b)~~)(c)(ii), within 31 days after the day on
1263 which the contribution is received or the expenditure is made; or

1264 (ii) within [~~three~~] five business days after the day on which the contribution is received
1265 or the expenditure is made, if:

1266 (A) the school board office candidate is contested in a convention and the contribution
1267 is received or the expenditure is made within 30 days before the day on which the convention is
1268 held;

1269 (B) the school board office candidate is contested in a primary election and the
1270 contribution is received or the expenditure is made within 30 days before the day on which the
1271 primary election is held; or

1272 (C) the school board office candidate is contested in a general election and the
1273 contribution is received or the expenditure is made within 30 days before the day on which the
1274 general election is held.

1275 (c) If the exact amount of an expenditure cannot be determined before the deadline to
1276 report the expenditure, the school board office candidate shall:

1277 (i) report a reasonable estimate of the amount of the expenditure before the deadline;
1278 and

1279 (ii) report the exact amount of the expenditure, if the amount is different than the
1280 amount reported under Subsection (6)(c)(i), in an amended report or the next scheduled report.

1281 [~~(c)~~] (d) For each contribution or expenditure that a school board office candidate fails
1282 to report within the time period described in Subsection (6)(b), the chief election officer shall
1283 impose a fine against the school board office candidate in an amount equal to:

1284 (i) the greater of \$250 or 10% of the amount of the contribution or expenditure, if the
1285 school board office candidate reports the contribution or expenditure within 60 days after the
1286 day on which the time period described in Subsection (6)(b) ends; or

1287 (ii) the greater of \$250 or 20% of the amount of the contribution or expenditure, if the
1288 school board office candidate fails to report the contribution or expenditure within 60 days
1289 after the day on which the time period described in Subsection (6)(b) ends.

1290 [~~(d)~~] (e) The lieutenant governor may waive the fine described in Subsection (6)[~~(c)~~](d)
1291 and issue a warning to the school board office candidate if:

1292 (i) the contribution that the school board office candidate fails to report is paid by the
1293 school board office candidate from the school board office candidate's personal funds;

1294 (ii) the school board office candidate has not previously violated Subsection (6)[~~(c)~~](d)
1295 in relation to a contribution paid by the school board office candidate from the school board
1296 office candidate's personal funds; and

1297 (iii) the lieutenant governor determines that the failure to timely report the contribution
1298 is due to the school board office candidate not understanding that the reporting requirement
1299 includes a contribution paid by a school board office candidate from the school board office
1300 candidate's personal funds.

1301 ~~[(e)]~~ (f) The chief election officer shall~~[-(f)]~~ deposit money received under Subsection
1302 (6)~~[(e)]~~(d) into the General Fund~~[-and]~~.

1303 ~~[(ii) report on the chief election officer's website, in the location where reports relating
1304 to each school board office candidate are available for public access:]~~

1305 ~~[(A) each fine imposed by the chief election officer against the school board office
1306 candidate;]~~

1307 ~~[(B) the amount of the fine;]~~

1308 ~~[(C) the amount of the contribution to which the fine relates; and]~~

1309 ~~[(D) the date of the contribution.]~~

1310 (7) Within 31 days after receiving a contribution that is cash or a negotiable
1311 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall
1312 disburse the contribution to:

1313 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1314 political subdivision's general fund; or

1315 (b) an organization that is exempt from federal income taxation under Section
1316 501(c)(3), Internal Revenue Code.

1317 (8) (a) As used in this Subsection (8), "account" means an account in a financial
1318 institution:

1319 (i) that is not described in Subsection (1)(a)(i); and

1320 (ii) into which or from which a person who, as a candidate for an office, other than a
1321 school board office for which the person files a declaration of candidacy or federal office, or as
1322 a holder of an office, other than a school board office for which the person files a declaration of
1323 candidacy or federal office, deposits a contribution or makes an expenditure.

1324 (b) A school board office candidate shall include on any financial statement filed in
1325 accordance with this part:

1326 (i) a contribution deposited in an account:

1327 (A) since the last campaign finance statement was filed; or

1328 (B) that has not been reported under a statute or ordinance that governs the account; or
1329 (ii) an expenditure made from an account:

1330 (A) since the last campaign finance statement was filed; or

1331 (B) that has not been reported under a statute or ordinance that governs the account.

1332 Section 19. Section **20A-11-1502** is amended to read:

1333 **20A-11-1502. Campaign financial reporting of expenditures -- Filing**
1334 **requirements -- Statement contents.**

1335 (1) (a) Each labor organization that has made expenditures for political purposes or
1336 political issues expenditures on current or proposed ballot issues that total at least \$750 during
1337 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1338 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1339 (ii) seven days before the regular primary election date;

1340 (iii) on September 30; and

1341 (iv) seven days before the regular general election date.

1342 (b) The labor organization shall report:

1343 (i) a detailed listing of all expenditures made since the last statement; and

1344 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
1345 expenditures as of five days before the required filing date of the financial statement.

1346 (c) The labor organization is not required to file a financial statement under this section
1347 if the labor organization:

1348 (i) made no expenditures during the reporting period; or

1349 (ii) reports the labor organization's expenditures during the reporting period under
1350 another part of this chapter.

1351 (d) For purposes of this section, an expenditure is made on the earlier of:

1352 (i) the date on which the action or event described in Subsection [20A-11-101\(15\)\(a\)](#)
1353 occurs; or

1354 (ii) the date on which a benefit inures to the labor organization if the labor organization
1355 expects or reasonably should expect to make an expenditure in exchange for the benefit,
1356 contract, promise, agreement, or transfer in exchange for the benefit.

1357 (e) If the exact amount of an expenditure cannot be determined before the deadline to
1358 report the expenditure, the labor organization shall:

1359 (i) report a reasonable estimate of the amount of the expenditure before the deadline;

1360 and

1361 (ii) report the exact amount of the expenditure, if the amount is different than the
1362 amount reported under Subsection (1)(e)(i), in an amended report or the next scheduled report.

1363 (2) The financial statement shall include:

1364 (a) the name and address of each reporting entity that received an expenditure or
1365 political issues expenditure of more than \$50 from the labor organization, and the amount of
1366 each expenditure or political issues expenditure;

1367 (b) the total amount of expenditures disbursed by the labor organization; and

1368 (c) a statement by the labor organization's treasurer or chief financial officer certifying
1369 the accuracy of the financial statement.

1370 Section 20. Section **20A-11-1704** is amended to read:

1371 **20A-11-1704. Independent expenditure report.**

1372 (1) Except as provided in Section **20A-11-1703**, within 31 days after the day on which
1373 a person has made a total of at least \$1,000 in independent expenditures during an election
1374 cycle, the person shall file an independent expenditure report with the chief election officer.

1375 (2) Except as provided in Section **20A-11-1703**, within 31 days after the day on which
1376 a person has made a total of at least \$1,000 in independent expenditures during an election
1377 cycle that were not reported in an independent expenditure report already filed with the chief
1378 election officer during the same election cycle, the person shall file another independent
1379 expenditure report with the chief election officer.

1380 (3) An independent expenditure report shall include the following information:

1381 (a) if the person who made the independent expenditures is an individual, the person's
1382 name, address, and phone number;

1383 (b) if the person who made the independent expenditures is not an individual:

1384 (i) the person's name, address, and phone number; and

1385 (ii) the name, address, and phone number of an individual who may be contacted by the
1386 chief election officer in relation to the independent expenditure report; and

1387 (c) for each independent expenditure made by the person during the current election
1388 cycle that was not reported in a previous independent expenditure report:

1389 (i) the date of the independent expenditure;

- 1390 (ii) the amount of the independent expenditure;
- 1391 (iii) the candidate or ballot proposition for which the independent expenditure
1392 expressly advocates the success or defeat and a description of whether the independent
1393 expenditure supports or opposes the candidate or ballot proposition;
- 1394 (iv) the identity, address, and phone number of the person to whom the independent
1395 expenditure was made;
- 1396 (v) a description of the goods or services obtained by the independent expenditure; and
- 1397 (vi) for each person who, for political purposes, made cumulative donations of \$1,000
1398 or more during the current election cycle to the filer of the independent expenditure report:
- 1399 (A) the identity, address, and phone number of the person;
- 1400 (B) the date of the donation; and
- 1401 (C) the amount of the donation.
- 1402 (4) (a) For purposes of this section, an expenditure is made on the earlier of:
- 1403 (i) the date on which the action or event described in Subsection [20A-11-101\(15\)\(a\)](#)
1404 occurs; or
- 1405 (ii) the date on which a benefit inures to the person if the person expects or reasonably
1406 should expect to make an expenditure in exchange for the benefit, contract, promise,
1407 agreement, or transfer in exchange for the benefit.
- 1408 (b) If the exact amount of an expenditure cannot be determined before the deadline to
1409 report the expenditure, the person shall:
- 1410 (i) report a reasonable estimate of the amount of the expenditure before the deadline;
1411 and
- 1412 (ii) report the exact amount of the expenditure, if the amount is different than the
1413 amount reported under Subsection (4)(b)(i), in an amended report or the next scheduled report.
- 1414 [~~4~~] (5) (a) If the person filing an independent expenditure report is an individual, the
1415 person shall sign the independent expenditure report and certify that the information contained
1416 in the report is complete and accurate.
- 1417 (b) If the person filing an independent expenditure report is not an individual:
- 1418 (i) the person filing the independent expenditure report shall designate an authorized
1419 individual to sign the independent expenditure report on behalf of the person; and
- 1420 (ii) the individual designated under Subsection [~~4~~] (5)(b)(i) shall sign the independent

1421 expenditure report and certify that the information contained in the report is complete and
1422 accurate.

1423 ~~[(5)]~~ (6) If a person who files an independent expenditure report previously filed an
1424 independent expenditure report during, or in relation to, the same election cycle that includes
1425 information, described in Subsection (3)(a) or (b), that has changed since the person filed the
1426 previous independent expenditure report, the person shall include in the most recent
1427 independent expenditure report a description of the information that has changed that includes
1428 both the old information and the new information.

1429 ~~[(6)]~~ (7) An independent expenditure report is a public record under Title 63G, Chapter
1430 2, Government Records Access and Management Act.

1431 Section 21. Section **20A-12-303** is amended to read:

1432 **20A-12-303. Separate account for campaign funds -- Reporting deadline.**

1433 (1) The judge or the judge's personal campaign committee shall deposit each
1434 contribution in one or more separate personal campaign accounts in a financial institution.

1435 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1436 any contributions received into a personal or business account.

1437 (3) (a) As used in this Subsection (3) and Section [20A-12-305](#), "received" means:

1438 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1439 campaign committee;

1440 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1441 instrument or check is negotiated; ~~[and]~~ or

1442 (iii) for any other type of contribution, that any portion of the contribution's benefit
1443 inures to the judge.

1444 (b) For purposes of this section, an expenditure is made on the earlier of:

1445 (i) the date on which the action or event described in Subsection [20A-11-101\(15\)\(a\)](#)
1446 occurs; or

1447 (ii) the date on which a benefit inures to the judge if the judge expects or reasonably
1448 should expect to make an expenditure in exchange for the benefit, contract, promise,
1449 agreement, or transfer in exchange for the benefit.

1450 ~~[(b)]~~ (c) The judge or the judge's personal campaign committee shall report to the
1451 lieutenant governor each contribution received and expenditure made by the judge, within 31

1452 days after the day on which the contribution is received or the expenditure is made.

1453 (d) If the exact amount of an expenditure cannot be determined before the deadline to
1454 report the expenditure, the judge shall:

1455 (i) report a reasonable estimate of the amount of the expenditure before the deadline;
1456 and

1457 (ii) report the exact amount of the expenditure, if the amount is different than the
1458 amount reported under Subsection (3)(d)(i), in an amended report or the next scheduled report.

1459 ~~[(e)]~~ (e) For each contribution or expenditure that a judge fails to report within the time
1460 period described in Subsection (3)~~[(b)]~~(c), the lieutenant governor shall impose a fine against
1461 the judge in an amount equal to:

1462 (i) the greater of \$250 or 10% of the amount of the contribution or expenditure if the
1463 judge reports the contribution or expenditure within 60 days after the day on which the time
1464 period described in Subsection (3)~~[(b)]~~(c) ends; or

1465 (ii) the greater of \$250 or 20% of the amount of the contribution or expenditure, if the
1466 judge fails to report the contribution or expenditure within 60 days after the day on which the
1467 time period described in Subsection (3)~~[(b)]~~(c) ends.

1468 ~~[(d)]~~ (f) The lieutenant governor shall ~~[(i)]~~ deposit money received under Subsection
1469 (3)~~[(e)]~~(e) into the General Fund~~[, and]~~.

1470 ~~[(ii) report on the lieutenant governor's website, in the location where reports relating~~
1471 ~~to each judge are available for public access:]~~

1472 ~~[(A) each fine imposed by the lieutenant governor against the judge;]~~

1473 ~~[(B) the amount of the fine;]~~

1474 ~~[(C) the amount of the contribution to which the fine relates; and]~~

1475 ~~[(D) the date of the contribution.]~~

1476 (4) Within 31 days after receiving a contribution that is cash or a negotiable
1477 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal
1478 campaign committee shall disburse the amount of the contribution to:

1479 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1480 political subdivision's general fund; or

1481 (b) an organization that is exempt from federal income taxation under Section
1482 501(c)(3), Internal Revenue Code.