

HB0310S01 compared with HB0310

~~text~~ shows text that was in HB0310 but was deleted in HB0310S01.

text shows text that was not in HB0310 but was inserted into HB0310S01.

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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

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provisions; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 20A-11-105, as last amended by Laws of Utah 2019, Chapter 255
- 20A-11-201, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-204, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-206, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 20A-11-301, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-303, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-305, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 20A-11-403, as last amended by Laws of Utah 2020, Chapter 22
- 20A-11-507, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-511, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-602, as last amended by Laws of Utah 2019, Chapters 74 and 116
- 20A-11-701.5, as renumbered and amended by Laws of Utah 2019, Chapter 74
- 20A-11-801, as last amended by Laws of Utah 2020, Chapter 22
- 20A-11-802, as last amended by Laws of Utah 2019, Chapter 116
- 20A-11-901, as last amended by Laws of Utah 2019, Chapter 154
- 20A-11-905, as enacted by Laws of Utah 2013, Chapter 86
- 20A-11-1005, as last amended by Laws of Utah 2018, Chapters 11 and 83
- 20A-11-1301, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-1502, as last amended by Laws of Utah 2018, Chapter 83
- 20A-11-1704, as last amended by Laws of Utah 2018, Chapter 83
- 20A-12-303, as last amended by Laws of Utah 2018, Chapter 83

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

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

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

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

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

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

(i) the statutory basis for the fine;

(ii) the amount of the fine;

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

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

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

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

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

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

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

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

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

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

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- (i) a personal use expenditure; or
- (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e)~~ (g) The lieutenant governor shall~~(f)~~ deposit money received under Subsection (5)~~(e)~~(e) into the General Fund~~;~~and.

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

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

~~(B) the amount of the fine;~~

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

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

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

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

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

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

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

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

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

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

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

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

(1) As used in this section:

(a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1)(a) or (c).

(b) "Received" means:

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

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

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

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

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

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

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

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

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

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- (b) seven days before the regular primary election date;
- (c) September 30; and
- (d) seven days before the regular general election date.

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

(a) shall file an interim report:

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

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

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

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

(3).

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

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

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

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

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

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

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

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

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- (a) the net balance of the last summary report, if any;
- (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
- (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
- (d) a detailed listing of:
 - (i) for a state office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
 - (ii) for a state officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
- (e) for each nonmonetary contribution:
 - (i) the fair market value of the contribution with that information provided by the contributor; and
 - (ii) a specific description of the contribution;
- (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
- (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
 - (i) a summary page in the form required by the lieutenant governor that identifies:
 - (i) beginning balance;
 - (ii) total contributions and public service assistance received during the period since the last statement;
 - (iii) total contributions and public service assistance received to date;
 - (iv) total expenditures during the period since the last statement; and
 - (v) total expenditures to date; and
 - (j) the name of a political action committee for which the state office candidate or state officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

~~(5)~~ (7) (a) In preparing each interim report, all receipts and expenditures shall be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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candidate on the ballot is disqualified.

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

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

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

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

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

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

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

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

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

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

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

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

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Subsection (6)(c)(i).

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

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

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

(ii) A legislative office candidate may:

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

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

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

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

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

(ii) A legislative officeholder may:

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

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

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

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

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

(b) A legislative officeholder may not deposit or mingle any contributions or public

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service assistance received into a personal or business account.

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

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

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

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

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

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

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

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

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

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

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

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

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held;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a contribution deposited in an account:

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

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

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- (ii) an expenditure made from an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account.

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

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

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

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

(b) "Received" means:

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

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

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

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

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

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

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

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

~~[(c)]~~ (b) Each legislative officeholder who has a campaign account that has not been

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dissolved under Section 20A-11-304 shall, in an even year, file an interim report at the following times, regardless of whether an election for the legislative officeholder's office is held that year:

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

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

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

(iii) September 30; and

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

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

(a) shall file an interim report:

(i) (A) seven days before the day on which the political party of the party for which the legislative office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-503; and

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

(ii) if the legislative office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, two days before the day on which the party meets; and

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

~~[(3)]~~ (5) Each interim report shall include the following information:

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

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

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

(d) a detailed listing of:

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

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

(e) for each nonmonetary contribution:

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

(ii) a specific description of the contribution;

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

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

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

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

(i) beginning balance;

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

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

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

(v) total expenditures to date; and

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

~~(4)~~ (6) (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

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

Section 7. Section **20A-11-305** is amended to read:

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20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.

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

(2) If a legislative office candidate fails to file an interim report described in Subsections 20A-11-303[(+) (b)](3)(a) (b) (ii) through (iv), the lieutenant governor may send an electronic notice to the legislative office candidate and the political party of which the legislative office candidate is a member, if any, that states:

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

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

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

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

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

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

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

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

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

(a) the legislative office candidate files the reports described in Subsections 20A-11-303[(+) (b)](3)(a) (b) (ii) through (iv) no later than 24 hours after the applicable

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deadlines for filing the reports;

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

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

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

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

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

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

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

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

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

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

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

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

(1) Within 60 days after a deadline for the filing of a summary report, the lieutenant

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governor shall review each filed summary report to ensure that:

- (a) each officeholder that is required to file a summary report has filed one; and
- (b) each summary report contains the information required by this part.

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

- (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
- (b) within five days of discovery of a violation or receipt of a written complaint, notify

the officeholder of the violation or written complaint and direct the officeholder to file a summary report correcting the problem.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) seven days before the registered political party's political convention;
- (b) seven days before the regular primary election date;
- (c) September 30; and
- (d) seven days before the general election date.

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

- (a) the net balance of the last financial statement, if any;
- (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
- (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
- (d) a detailed listing of each contribution received since the last summary report that has not been reported in detail on a prior interim report;
- (e) for each nonmonetary contribution, the fair market value of the contribution;
- (f) a detailed listing of each expenditure made since the last summary report that has

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not been reported in detail on a prior interim report;

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

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

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

(i) beginning balance;

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

(iii) total contributions to date;

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

(v) total expenditures to date.

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

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

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

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

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

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

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

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

and

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

Section 10. Section **20A-11-511** is amended to read:

20A-11-511. County political party financial reporting requirements -- Interim

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reports.

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

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

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

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

- (a) the net balance of the last financial statement, if any;
- (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
- (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
- (d) a detailed listing of each contribution received since the last summary report that has not been reported in detail on a prior interim report;
- (e) for each nonmonetary contribution, the fair market value of the contribution;
- (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
- (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and
- (i) a summary page in the form required by the lieutenant governor that identifies:
 - (i) beginning balance;
 - (ii) total contributions during the period since the last statement;
 - (iii) total contributions to date;
 - (iv) total expenditures during the period since the last statement; and

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(v) total expenditures to date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(v) on September 30; and

(vi) seven days before:

(A) the municipal general election; and

(B) the regular general election.

(b) The registered political action committee shall report:

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) beginning balance;

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

(C) total contributions to date;

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

(E) total expenditures to date.

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

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

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

(i) includes the independent expenditure;

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

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

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

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

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

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

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

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

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

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

~~(b)~~ (c) A political action committee shall report each contribution and expenditure to

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the lieutenant governor within 31 days after the contribution is received or the expenditure is made.

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

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

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

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

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

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

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

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

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

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

- (i) on January 10, reporting expenditures as of December 31 of the previous year;
- (ii) seven days before the state political convention for each major political party;
- (iii) seven days before the regular primary election date;
- (iv) on September 30; and
- (v) seven days before the regular general election date.

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(b) The corporation shall report:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The financial statement shall include:

(a) the name and address of each reporting entity that received an expenditure from the

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corporation, and the amount of each expenditure;

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

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

Section 13. Section **20A-11-801** is amended to read:

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

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

(i) before 5 p.m. on January 10 of each year; or

(ii) electronically, before midnight on January 10 of each year.

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

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

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

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

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

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

(3) The statement of organization shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A political issues committee shall:

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

(ii) include in the notice of change the name and title of the officer being replaced and

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the name, address, occupation, and title of the new officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(b)~~ (d) Each political issues committee shall report to the lieutenant governor each

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contribution received and expenditure made by the political issues committee within [~~three~~ five] business days after the day on which the contribution is received or the expenditure is made if the contribution is received or the expenditure is made within 30 days before the last day on which the sponsors of the initiative or referendum described in Subsection 20A-11-801(3)(h) may submit signatures to qualify the initiative or referendum for the ballot.

~~[(c)]~~ (e) For each contribution or expenditure that a political issues committee fails to report within the period described in Subsection (7)~~[(b)]~~(d), the lieutenant governor shall impose a fine against the political issues committee in an amount equal to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) if the political issues committee has received or expended funds in relation to an initiative or referendum, five days before the deadline for the initiative or referendum sponsors to submit:

(A) the verified and certified initiative packets under Section 20A-7-206; or

(B) the signed and verified referendum packets under Section 20A-7-306;

(vii) on September 30; and

(viii) seven days before:

(A) the municipal general election; and

(B) the regular general election.

(b) The political issues committee shall report:

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

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

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

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

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

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

(e) If the exact amount of an expenditure cannot be determined before the deadline to

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report the expenditure, the political issues committee shall:

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

and

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

(2) (a) That statement shall include:

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

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

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

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

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

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

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

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

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

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

(A) beginning balance;

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

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(C) total contributions to date;

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

(E) total expenditures to date.

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

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

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

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

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

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

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

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

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

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

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

(a) is cash or a negotiable instrument;

(b) exceeds \$50; and

(c) is from an unknown source.

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

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

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

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

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

(1) As used in this section:

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

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

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

~~(1)~~ (2) (a) Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating for the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement:

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

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

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

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

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- (i) for placing a ballot proposition on the ballot;
- (ii) for keeping a ballot proposition off the ballot;
- (iii) that a voter refrain from voting on a ballot proposition; or
- (iv) that a voter vote for or against a ballot proposition.

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

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

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

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

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

- (a) lawn signs with dimensions of four by eight feet or smaller;
- (b) bumper stickers;
- (c) campaign pins, buttons, and pens; or
- (d) similar small items upon which the disclaimer cannot be conveniently printed.

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

(b) The report shall include:

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

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

(iii) the amount spent on the electioneering communication;

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

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

[~~(5)~~] (6) A person may not, in order to promote the success of any candidate for nomination or election to any public office, or in connection with any question submitted to the

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voters, include or cause to be included the name of any person as endorser or supporter in any political advertisement, circular, poster, or publication without the express consent of that person.

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

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

(8) (a) The lieutenant governor shall:

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

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

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

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

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

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

(2) (a) The lieutenant governor shall:

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

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

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

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

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

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

(1) Except ~~[as provided in Subsection 20A-11-512(4)]~~ where another civil penalty is

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expressly stated, the chief election officer shall fine a filing entity \$100 for failing to file a financial statement by the filing deadline.

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

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

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

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

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

(ii) A school board office candidate may:

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

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

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

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

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

(ii) A school board officeholder may:

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

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

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

- (i) a personal use expenditure; or
- (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

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

(b) Except as provided in Subsection (6)~~(d)~~(e), each school board office candidate

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shall report to the chief election officer each contribution received and expenditure made by the school board office candidate:

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

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

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

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

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

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

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

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

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

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

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

~~(d)~~ (e) The lieutenant governor may waive the fine described in Subsection (6)~~(c)~~(d)

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and issue a warning to the school board office candidate if:

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

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

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

~~(f)~~ (f) The chief election officer shall~~(i)~~ deposit money received under Subsection (6)~~(f)~~(d) into the General Fund~~;~~and.

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

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

~~(B) the amount of the fine;~~

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

~~(D) the date of the contribution.~~

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

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

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

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

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

(ii) into which or from which a person who, as a candidate for an office, other than a school board office for which the person files a declaration of candidacy or federal office, or as

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a holder of an office, other than a school board office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

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

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

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

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

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

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

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

(iii) on September 30; and

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

(b) The labor organization shall report:

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

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

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

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

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

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

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

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occurs; or

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

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

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

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

(2) The financial statement shall include:

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

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

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

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

20A-11-1704. Independent expenditure report.

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

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

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

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

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

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- (i) the person's name, address, and phone number; and
 - (ii) the name, address, and phone number of an individual who may be contacted by the chief election officer in relation to the independent expenditure report; and
 - (c) for each independent expenditure made by the person during the current election cycle that was not reported in a previous independent expenditure report:
 - (i) the date of the independent expenditure;
 - (ii) the amount of the independent expenditure;
 - (iii) the candidate or ballot proposition for which the independent expenditure expressly advocates the success or defeat and a description of whether the independent expenditure supports or opposes the candidate or ballot proposition;
 - (iv) the identity, address, and phone number of the person to whom the independent expenditure was made;
 - (v) a description of the goods or services obtained by the independent expenditure; and
 - (vi) for each person who, for political purposes, made cumulative donations of \$1,000 or more during the current election cycle to the filer of the independent expenditure report:
 - (A) the identity, address, and phone number of the person;
 - (B) the date of the donation; and
 - (C) the amount of the donation.
- (4) (a) For purposes of this section, an expenditure is made on the earlier of:
- (i) the date on which the action or event described in Subsection 20A-11-101(15)(a) occurs; or
 - (ii) the date on which a benefit inures to the person if the person expects or reasonably should expect to make an expenditure in exchange for the benefit, contract, promise, agreement, or transfer in exchange for the benefit.
- (b) If the exact amount of an expenditure cannot be determined before the deadline to report the expenditure, the person shall:
- (i) report a reasonable estimate of the amount of the expenditure before the deadline; and
 - (ii) report the exact amount of the expenditure, if the amount is different than the amount reported under Subsection (4)(b)(i), in an amended report or the next scheduled report.
- ~~(4)~~ (5) (a) If the person filing an independent expenditure report is an individual, the

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person shall sign the independent expenditure report and certify that the information contained in the report is complete and accurate.

(b) If the person filing an independent expenditure report is not an individual:

(i) the person filing the independent expenditure report shall designate an authorized individual to sign the independent expenditure report on behalf of the person; and

(ii) the individual designated under Subsection [~~(4)~~] (5)(b)(i) shall sign the independent expenditure report and certify that the information contained in the report is complete and accurate.

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

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

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

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

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

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

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

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

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

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

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

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

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occurs; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Within 31 days after receiving a contribution that is cash or a negotiable

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instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal campaign committee shall disburse the amount of the contribution to:

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

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