

**ELECTIONS AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Norman K. Thurston

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to election law.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ addresses the level of detail required for reports of contributions and expenditures;
- ▶ provides that a regulated officeholder is not required to file a conflict of interest disclosure at the time of filing for reelection to office if the regulated officeholder already filed a disclosure earlier the same year and indicates that the disclosure is accurate and up-to-date;
- ▶ amends provisions relating to permissible uses of campaign funds;
- ▶ amends contribution reporting requirements for certain reporting entities;
- ▶ amends provisions relating to an anonymous campaign donation;
- ▶ amends the definition of an expenditure under the Lobbyist Disclosure and Regulation Act; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

- 30            **20A-9-201**, as last amended by Laws of Utah 2020, Chapter 22
- 31            **20A-11-101**, as last amended by Laws of Utah 2020, Chapter 22
- 32            **20A-11-101.3**, as enacted by Laws of Utah 2014, Chapter 18
- 33            **20A-11-104**, as last amended by Laws of Utah 2019, Chapter 204
- 34            **20A-11-201**, as last amended by Laws of Utah 2019, Chapter 74
- 35            **20A-11-204**, as last amended by Laws of Utah 2019, Chapter 74
- 36            **20A-11-206**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 37            **20A-11-301**, as last amended by Laws of Utah 2019, Chapter 74
- 38            **20A-11-303**, as last amended by Laws of Utah 2019, Chapter 74
- 39            **20A-11-305**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 40            **20A-11-403**, as last amended by Laws of Utah 2020, Chapter 22
- 41            **20A-11-705**, as last amended by Laws of Utah 2018, Chapter 83
- 42            **20A-11-801**, as last amended by Laws of Utah 2020, Chapter 22
- 43            **20A-11-1301**, as last amended by Laws of Utah 2019, Chapter 74
- 44            **20A-11-1303**, as last amended by Laws of Utah 2019, Chapter 74
- 45            **20A-11-1602**, as last amended by Laws of Utah 2020, Chapter 344
- 46            **20A-11-1602.5**, as enacted by Laws of Utah 2019, Chapter 266
- 47            **20A-11-1603**, as last amended by Laws of Utah 2019, Chapter 266
- 48            **20A-11-1604**, as last amended by Laws of Utah 2019, Chapter 266
- 49            **20A-11-1605**, as last amended by Laws of Utah 2020, Chapter 22
- 50            **20A-11-1706**, as enacted by Laws of Utah 2014, Chapter 60
- 51            **20A-12-303**, as last amended by Laws of Utah 2018, Chapter 83
- 52            **36-11-102**, as last amended by Laws of Utah 2019, Chapter 363

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

55            Section 1. Section **20A-9-201** is amended to read:

56            **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
57 **more than one political party prohibited with exceptions -- General filing and form**

58 requirements -- Affidavit of impecuniosity.

59 (1) Before filing a declaration of candidacy for election to any office, an individual  
60 shall:

- 61 (a) be a United States citizen;
- 62 (b) meet the legal requirements of that office; and
- 63 (c) if seeking a registered political party's nomination as a candidate for elective office,  
64 state:

- 65 (i) the registered political party of which the individual is a member; or
- 66 (ii) that the individual is not a member of a registered political party.

67 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

- 68 (i) file a declaration of candidacy for, or be a candidate for, more than one office in  
69 Utah during any election year;
- 70 (ii) appear on the ballot as the candidate of more than one political party; or
- 71 (iii) file a declaration of candidacy for a registered political party of which the  
72 individual is not a member, except to the extent that the registered political party permits  
73 otherwise in the registered political party's bylaws.

74 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,  
75 president or vice president of the United States and another office, if the individual resigns the  
76 individual's candidacy for the other office after the individual is officially nominated for  
77 president or vice president of the United States.

78 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more  
79 than one justice court judge office.

80 (iii) An individual may file a declaration of candidacy for lieutenant governor even if  
81 the individual filed a declaration of candidacy for another office in the same election year if the  
82 individual withdraws as a candidate for the other office in accordance with Subsection  
83 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

84 (3) (a) Except for a candidate for president or vice president of the United States,  
85 before the filing officer may accept any declaration of candidacy, the filing officer shall:

86 (i) read to the individual the constitutional and statutory qualification requirements for  
87 the office that the individual is seeking;

88 (ii) require the individual to state whether the individual meets the requirements  
89 described in Subsection (3)(a)(i); ~~and~~

90 (iii) if the declaration of candidacy is for a county office, inform the individual that an  
91 individual who holds a county elected office may not, at the same time, hold a municipal  
92 elected office~~[-];~~ and

93 (iv) if the declaration of candidacy is for a legislative office, inform the individual that  
94 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit  
95 or trust, under authority of the United States or Utah, from being a member of the Legislature.

96 (b) Before accepting a declaration of candidacy for the office of county attorney, the  
97 county clerk shall ensure that the individual filing that declaration of candidacy is:

98 (i) a United States citizen;

99 (ii) an attorney licensed to practice law in the state who is an active member in good  
100 standing of the Utah State Bar;

101 (iii) a registered voter in the county in which the individual is seeking office; and

102 (iv) a current resident of the county in which the individual is seeking office and either  
103 has been a resident of that county for at least one year or was appointed and is currently serving  
104 as county attorney and became a resident of the county within 30 days after appointment to the  
105 office.

106 (c) Before accepting a declaration of candidacy for the office of district attorney, the  
107 county clerk shall ensure that, as of the date of the election, the individual filing that  
108 declaration of candidacy is:

109 (i) a United States citizen;

110 (ii) an attorney licensed to practice law in the state who is an active member in good  
111 standing of the Utah State Bar;

112 (iii) a registered voter in the prosecution district in which the individual is seeking  
113 office; and

114 (iv) a current resident of the prosecution district in which the individual is seeking  
115 office and either will have been a resident of that prosecution district for at least one year as of  
116 the date of the election or was appointed and is currently serving as district attorney and  
117 became a resident of the prosecution district within 30 days after receiving appointment to the  
118 office.

119 (d) Before accepting a declaration of candidacy for the office of county sheriff, the  
120 county clerk shall ensure that the individual filing the declaration:

121 (i) is a United States citizen;

122 (ii) is a registered voter in the county in which the individual seeks office;

123 (iii) (A) has successfully met the standards and training requirements established for  
124 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
125 Certification Act; or

126 (B) has met the waiver requirements in Section 53-6-206;

127 (iv) is qualified to be certified as a law enforcement officer, as defined in Section  
128 53-13-103; and

129 (v) as of the date of the election, will have been a resident of the county in which the  
130 individual seeks office for at least one year.

131 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant  
132 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of  
133 Education member, the filing officer shall ensure[~~-(f)~~] that the individual filing the declaration  
134 of candidacy also makes the conflict of interest disclosure [~~required by~~] described in Section  
135 20A-11-1603[~~;-and~~].

136 [~~(ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the~~  
137 ~~individual provides the conflict of interest disclosure form to the lieutenant governor in~~  
138 ~~accordance with Section 20A-11-1603.~~]

139 (4) If an individual who files a declaration of candidacy does not meet the qualification  
140 requirements for the office the individual is seeking, the filing officer may not accept the  
141 individual's declaration of candidacy.

142 (5) If an individual who files a declaration of candidacy meets the requirements  
143 described in Subsection (3), the filing officer shall:

144 (a) inform the individual that:

145 (i) the individual's name will appear on the ballot as the individual's name is written on  
146 the individual's declaration of candidacy;

147 (ii) the individual may be required to comply with state or local campaign finance  
148 disclosure laws; and

149 (iii) the individual is required to file a financial statement before the individual's  
150 political convention under:

151 (A) Section [20A-11-204](#) for a candidate for constitutional office;

152 (B) Section [20A-11-303](#) for a candidate for the Legislature; or

153 (C) local campaign finance disclosure laws, if applicable;

154 (b) except for a presidential candidate, provide the individual with a copy of the current  
155 campaign financial disclosure laws for the office the individual is seeking and inform the  
156 individual that failure to comply will result in disqualification as a candidate and removal of  
157 the individual's name from the ballot;

158 (c) provide the individual with a copy of Section [20A-7-801](#) regarding the Statewide  
159 Electronic Voter Information Website Program and inform the individual of the submission  
160 deadline under Subsection [20A-7-801\(4\)\(a\)](#);

161 (d) provide the candidate with a copy of the pledge of fair campaign practices  
162 described under Section [20A-9-206](#) and inform the candidate that:

163 (i) signing the pledge is voluntary; and

164 (ii) signed pledges shall be filed with the filing officer;

165 (e) accept the individual's declaration of candidacy; and

166 (f) if the individual has filed for a partisan office, provide a certified copy of the  
167 declaration of candidacy to the chair of the county or state political party of which the  
168 individual is a member.

169 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing

170 officer shall:

171 (a) accept the candidate's pledge; and

172 (b) if the candidate has filed for a partisan office, provide a certified copy of the  
173 candidate's pledge to the chair of the county or state political party of which the candidate is a  
174 member.

175 (7) (a) Except for a candidate for president or vice president of the United States, the  
176 form of the declaration of candidacy shall:

177 (i) be substantially as follows:

178 "State of Utah, County of \_\_\_\_\_

179 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the  
180 nomination of the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications to  
181 hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_  
182 in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not  
183 knowingly violate any law governing campaigns and elections; if filing via a designated  
184 agent, I will be out of the state of Utah during the entire candidate filing period; I will  
185 file all campaign financial disclosure reports as required by law; and I understand that  
186 failure to do so will result in my disqualification as a candidate for this office and  
187 removal of my name from the ballot. The mailing address that I designate for receiving  
188 official election notices is \_\_\_\_\_.

189 \_\_\_\_\_

190 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

191 \_\_\_\_\_ Notary Public (or other officer qualified to administer oath)."; and

192 (ii) require the candidate to state, in the sworn statement described in Subsection  
193 (7)(a)(i):

194 (A) the registered political party of which the candidate is a member; or

195 (B) that the candidate is not a member of a registered political party.

196 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of  
197 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

198 (8) (a) Except for a candidate for president or vice president of the United States, the  
199 fee for filing a declaration of candidacy is:

200 (i) \$50 for candidates for the local school district board; and

201 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the  
202 person holding the office for all other federal, state, and county offices.

203 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
204 any candidate:

205 (i) who is disqualified; or

206 (ii) who the filing officer determines has filed improperly.

207 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
208 from candidates.

209 (ii) The lieutenant governor shall:

210 (A) apportion to and pay to the county treasurers of the various counties all fees  
211 received for filing of nomination certificates or acceptances; and

212 (B) ensure that each county receives that proportion of the total amount paid to the  
213 lieutenant governor from the congressional district that the total vote of that county for all  
214 candidates for representative in Congress bears to the total vote of all counties within the  
215 congressional district for all candidates for representative in Congress.

216 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
217 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
218 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
219 a financial statement filed at the time the affidavit is submitted.

220 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

221 (iii) (A) False statements made on an affidavit of impecuniosity or a financial  
222 statement filed under this section shall be subject to the criminal penalties provided under  
223 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

224 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be  
225 considered an offense under this title for the purposes of assessing the penalties provided in



226 Subsection 20A-1-609(2).

227 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
228 substantially the following form:

229 "Affidavit of Impecuniosity

230 Individual Name

231 \_\_\_\_\_ Address \_\_\_\_\_

232 Phone Number \_\_\_\_\_

233 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law  
234 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
235 law.

236 Date \_\_\_\_\_ Signature \_\_\_\_\_

237 Affiant

238 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

239 \_\_\_\_\_  
240 (signature)

241 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_".

242 (v) The filing officer shall provide to a person who requests an affidavit of  
243 impecuniosity a statement printed in substantially the following form, which may be included  
244 on the affidavit of impecuniosity:

245 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
246 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
247 penalties, will be removed from the ballot."

248 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
249 under this Subsection (8)(d) file a financial statement on a form prepared by the election  
250 official.

251 (9) An individual who fails to file a declaration of candidacy or certificate of  
252 nomination within the time provided in this chapter is ineligible for nomination to office.

253 (10) A declaration of candidacy filed under this section may not be amended or

254 modified after the final date established for filing a declaration of candidacy.

255 Section 2. Section **20A-11-101** is amended to read:

256 **20A-11-101. Definitions.**

257 As used in this chapter:

258 (1) (a) "Address" means the number and street where an individual resides or where a  
259 reporting entity has its principal office.

260 (b) "Address" does not include a post office box.

261 (2) "Agent of a reporting entity" means:

262 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
263 entity;

264 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
265 reporting entity;

266 (c) the personal campaign committee of a candidate or officeholder;

267 (d) a member of the personal campaign committee of a candidate or officeholder in the  
268 member's capacity as a member of the personal campaign committee of the candidate or  
269 officeholder; or

270 (e) a political consultant of a reporting entity.

271 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
272 amendments, and any other ballot propositions submitted to the voters that are authorized by  
273 the Utah Code Annotated 1953.

274 (4) "Candidate" means any person who:

275 (a) files a declaration of candidacy for a public office; or

276 (b) receives contributions, makes expenditures, or gives consent for any other person to  
277 receive contributions or make expenditures to bring about the person's nomination or election  
278 to a public office.

279 (5) "Chief election officer" means:

280 (a) the lieutenant governor for state office candidates, legislative office candidates,  
281 officeholders, political parties, political action committees, corporations, political issues

282 committees, state school board candidates, judges, and labor organizations, as defined in  
283 Section [20A-11-1501](#); and

284 (b) the county clerk for local school board candidates.

285 (6) (a) "Contribution" means any of the following when done for political purposes:

286 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
287 value given to the filing entity;

288 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
289 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
290 anything of value to the filing entity;

291 (iii) any transfer of funds from another reporting entity to the filing entity;

292 (iv) compensation paid by any person or reporting entity other than the filing entity for  
293 personal services provided without charge to the filing entity;

294 (v) remuneration from:

295 (A) any organization or its directly affiliated organization that has a registered lobbyist;

296 or

297 (B) any agency or subdivision of the state, including school districts;

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

299 (vii) in-kind contributions.

300 (b) "Contribution" does not include:

301 (i) services provided by individuals volunteering a portion or all of their time on behalf  
302 of the filing entity if the services are provided without compensation by the filing entity or any  
303 other person;

304 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
305 business; or

306 (iii) goods or services provided for the benefit of a political entity at less than fair  
307 market value that are not authorized by or coordinated with the political entity.

308 (7) "Coordinated with" means that goods or services provided for the benefit of a  
309 political entity are provided:

- 310 (a) with the political entity's prior knowledge, if the political entity does not object;
- 311 (b) by agreement with the political entity;
- 312 (c) in coordination with the political entity; or
- 313 (d) using official logos, slogans, and similar elements belonging to a political entity.

314 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
315 organization that is registered as a corporation or is authorized to do business in a state and  
316 makes any expenditure from corporate funds for:

- 317 (i) the purpose of expressly advocating for political purposes; or
- 318 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
319 proposition.

320 (b) "Corporation" does not mean:

- 321 (i) a business organization's political action committee or political issues committee; or
- 322 (ii) a business entity organized as a partnership or a sole proprietorship.

323 (9) "County political party" means, for each registered political party, all of the persons  
324 within a single county who, under definitions established by the political party, are members of  
325 the registered political party.

326 (10) "County political party officer" means a person whose name is required to be  
327 submitted by a county political party to the lieutenant governor in accordance with Section  
328 [20A-8-402](#).

329 (11) "Detailed listing" means:

330 (a) for each contribution or public service assistance:

- 331 (i) the name and address of the individual or source making the contribution or public  
332 service assistance, except to the extent that the name or address of the individual or source is  
333 unknown;

334 (ii) the amount or value of the contribution or public service assistance; and

335 (iii) the date the contribution or public service assistance was made; and

336 (b) for each expenditure:

- 337 (i) the amount of the expenditure;

338            [~~(ii) the person or entity to whom it was disbursed;~~]

339            [~~(iii)~~] (ii) the [~~specific purpose, item, or service~~] goods or services acquired by the  
340 expenditure; and

341            [~~(iv)~~] (iii) the date the expenditure was made.

342            (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment  
343 for membership in the corporation, to a corporation without receiving full and adequate  
344 consideration for the money.

345            (b) "Donor" does not include a person that signs a statement that the corporation may  
346 not use the money for an expenditure or political issues expenditure.

347            (13) "Election" means each:

348            (a) regular general election;

349            (b) regular primary election; and

350            (c) special election at which candidates are eliminated and selected.

351            (14) "Electioneering communication" means a communication that:

352            (a) has at least a value of \$10,000;

353            (b) clearly identifies a candidate or judge; and

354            (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
355 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
356 identified candidate's or judge's election date.

357            (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
358 agent of a reporting entity on behalf of the reporting entity:

359            (i) any disbursement from contributions, receipts, or from the separate bank account  
360 required by this chapter;

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

363            (iii) an express, legally enforceable contract, promise, or agreement to make any  
364 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
365 value for political purposes;

366 (iv) compensation paid by a filing entity for personal services rendered by a person  
367 without charge to a reporting entity;

368 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
369 committee; ~~or~~

370 (vi) goods or services provided by the filing entity to or for the benefit of another  
371 reporting entity for political purposes at less than fair market value~~[-]; or~~

372 (vii) an independent expenditure, as defined in Section [20A-11-1702](#).

373 (b) "Expenditure" does not include:

374 (i) services provided without compensation by individuals volunteering a portion or all  
375 of their time on behalf of a reporting entity;

376 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
377 business; or

378 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
379 candidates for office or officeholders in states other than Utah.

380 (16) "Federal office" means the office of president of the United States, United States  
381 Senator, or United States Representative.

382 (17) "Filing entity" means the reporting entity that is required to file a financial  
383 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

384 (18) "Financial statement" includes any summary report, interim report, verified  
385 financial statement, or other statement disclosing contributions, expenditures, receipts,  
386 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
387 Retention Elections.

388 (19) "Governing board" means the individual or group of individuals that determine the  
389 candidates and committees that will receive expenditures from a political action committee,  
390 political party, or corporation.

391 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal  
392 Incorporation, by which a geographical area becomes legally recognized as a city, town, or  
393 metro township.

394 (21) "Incorporation election" means the election conducted under Section 10-2a-210 or  
395 10-2a-404.

396 (22) "Incorporation petition" means a petition described in Section 10-2a-208.

397 (23) "Individual" means a natural person.

398 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
399 by or coordinated with a filing entity.

400 (25) "Interim report" means a report identifying the contributions received and  
401 expenditures made since the last report.

402 (26) "Legislative office" means the office of state senator, state representative, speaker  
403 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
404 whip of any party caucus in either house of the Legislature.

405 (27) "Legislative office candidate" means a person who:

406 (a) files a declaration of candidacy for the office of state senator or state representative;

407 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
408 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
409 assistant whip of any party caucus in either house of the Legislature; or

410 (c) receives contributions, makes expenditures, or gives consent for any other person to  
411 receive contributions or make expenditures to bring about the person's nomination, election, or  
412 appointment to a legislative office.

413 (28) "Loan" means any of the following provided by a person that benefits a filing  
414 entity if the person expects repayment or reimbursement:

415 (a) an expenditure made using any form of payment;

416 (b) money or funds received by the filing entity;

417 (c) the provision of a good or service with an agreement or understanding that payment  
418 or reimbursement will be delayed; or

419 (d) use of any line of credit.

420 (29) "Major political party" means either of the two registered political parties that  
421 have the greatest number of members elected to the two houses of the Legislature.

422 (30) "Officeholder" means a person who holds a public office.

423 (31) "Party committee" means any committee organized by or authorized by the  
424 governing board of a registered political party.

425 (32) "Person" means both natural and legal persons, including individuals, business  
426 organizations, personal campaign committees, party committees, political action committees,  
427 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

428 (33) "Personal campaign committee" means the committee appointed by a candidate to  
429 act for the candidate as provided in this chapter.

430 (34) "Personal use expenditure" has the same meaning as provided under Section  
431 20A-11-104.

432 (35) (a) "Political action committee" means an entity, or any group of individuals or  
433 entities within or outside this state, a major purpose of which is to:

434 (i) solicit or receive contributions from any other person, group, or entity for political  
435 purposes; or

436 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
437 vote for or against any candidate or person seeking election to a municipal or county office.

438 (b) "Political action committee" includes groups affiliated with a registered political  
439 party but not authorized or organized by the governing board of the registered political party  
440 that receive contributions or makes expenditures for political purposes.

441 (c) "Political action committee" does not mean:

442 (i) a party committee;

443 (ii) any entity that provides goods or services to a candidate or committee in the regular  
444 course of its business at the same price that would be provided to the general public;

445 (iii) an individual;

446 (iv) individuals who are related and who make contributions from a joint checking  
447 account;

448 (v) a corporation, except a corporation a major purpose of which is to act as a political  
449 action committee; or



450 (vi) a personal campaign committee.

451 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid  
452 by another person on behalf of and with the knowledge of the reporting entity, to provide  
453 political advice to the reporting entity.

454 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),  
455 where the person:

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

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

458 (iii) understands that the person may, in the discretion of the reporting entity or another  
459 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with  
460 money or other consideration.

461 (37) "Political convention" means a county or state political convention held by a  
462 registered political party to select candidates.

463 (38) "Political entity" means a candidate, a political party, a political action committee,  
464 or a political issues committee.

465 (39) (a) "Political issues committee" means an entity, or any group of individuals or  
466 entities within or outside this state, a major purpose of which is to:

467 (i) solicit or receive donations from any other person, group, or entity to assist in  
468 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
469 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

470 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
471 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
472 proposed ballot proposition or an incorporation in an incorporation election; or

473 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
474 ballot or to assist in keeping a ballot proposition off the ballot.

475 (b) "Political issues committee" does not mean:

476 (i) a registered political party or a party committee;

477 (ii) any entity that provides goods or services to an individual or committee in the

478 regular course of its business at the same price that would be provided to the general public;

479 (iii) an individual;

480 (iv) individuals who are related and who make contributions from a joint checking  
481 account;

482 (v) a corporation, except a corporation a major purpose of which is to act as a political  
483 issues committee; or

484 (vi) a group of individuals who:

485 (A) associate together for the purpose of challenging or supporting a single ballot  
486 proposition, ordinance, or other governmental action by a county, city, town, local district,  
487 special service district, or other local political subdivision of the state;

488 (B) have a common liberty, property, or financial interest that is directly impacted by  
489 the ballot proposition, ordinance, or other governmental action;

490 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),  
491 via a legal entity;

492 (D) do not receive funds for challenging or supporting the ballot proposition,  
493 ordinance, or other governmental action from a person other than an individual in the group;  
494 and

495 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection  
496 (39)(b)(vi)(A).

497 (40) (a) "Political issues contribution" means any of the following:

498 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
499 anything of value given to a political issues committee;

500 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
501 issues donation to influence the approval or defeat of any ballot proposition;

502 (iii) any transfer of funds received by a political issues committee from a reporting  
503 entity;

504 (iv) compensation paid by another reporting entity for personal services rendered  
505 without charge to a political issues committee; and

506 (v) goods or services provided to or for the benefit of a political issues committee at  
507 less than fair market value.

508 (b) "Political issues contribution" does not include:

509 (i) services provided without compensation by individuals volunteering a portion or all  
510 of their time on behalf of a political issues committee; or

511 (ii) money lent to a political issues committee by a financial institution in the ordinary  
512 course of business.

513 (41) (a) "Political issues expenditure" means any of the following when made by a  
514 political issues committee or on behalf of a political issues committee by an agent of the  
515 reporting entity:

516 (i) any payment from political issues contributions made for the purpose of influencing  
517 the approval or the defeat of:

518 (A) a ballot proposition; or

519 (B) an incorporation petition or incorporation election;

520 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
521 the express purpose of influencing the approval or the defeat of:

522 (A) a ballot proposition; or

523 (B) an incorporation petition or incorporation election;

524 (iii) an express, legally enforceable contract, promise, or agreement to make any  
525 political issues expenditure;

526 (iv) compensation paid by a reporting entity for personal services rendered by a person  
527 without charge to a political issues committee; or

528 (v) goods or services provided to or for the benefit of another reporting entity at less  
529 than fair market value.

530 (b) "Political issues expenditure" does not include:

531 (i) services provided without compensation by individuals volunteering a portion or all  
532 of their time on behalf of a political issues committee; or

533 (ii) money lent to a political issues committee by a financial institution in the ordinary

534 course of business.

535 (42) "Political purposes" means an act done with the intent or in a way to influence or  
536 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
537 against any:

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

540 (b) judge standing for retention at any election.

541 (43) (a) "Poll" means the survey of a person regarding the person's opinion or  
542 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
543 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
544 person or by telephone, facsimile, Internet, postal mail, or email.

545 (b) "Poll" does not include:

546 (i) a ballot; or

547 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

548 (A) the focus group consists of more than three, and less than thirteen, individuals; and

549 (B) all individuals in the focus group are present during the interview.

550 (44) "Primary election" means any regular primary election held under the election  
551 laws.

552 (45) "Publicly identified class of individuals" means a group of 50 or more individuals  
553 sharing a common occupation, interest, or association that contribute to a political action  
554 committee or political issues committee and whose names can be obtained by contacting the  
555 political action committee or political issues committee upon whose financial statement the  
556 individuals are listed.

557 (46) "Public office" means the office of governor, lieutenant governor, state auditor,  
558 state treasurer, attorney general, state school board member, state senator, state representative,  
559 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
560 assistant whip of any party caucus in either house of the Legislature.

561 (47) (a) "Public service assistance" means the following when given or provided to an

562 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
563 communicate with the officeholder's constituents:

564 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
565 money or anything of value to an officeholder; or

566 (ii) goods or services provided at less than fair market value to or for the benefit of the  
567 officeholder.

568 (b) "Public service assistance" does not include:

569 (i) anything provided by the state;

570 (ii) services provided without compensation by individuals volunteering a portion or all  
571 of their time on behalf of an officeholder;

572 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
573 business;

574 (iv) news coverage or any publication by the news media; or

575 (v) any article, story, or other coverage as part of any regular publication of any  
576 organization unless substantially all the publication is devoted to information about the  
577 officeholder.

578 (48) "Receipts" means contributions and public service assistance.

579 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,  
580 Lobbyist Disclosure and Regulation Act.

581 (50) "Registered political action committee" means any political action committee that  
582 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
583 Governor.

584 (51) "Registered political issues committee" means any political issues committee that  
585 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
586 Governor.

587 (52) "Registered political party" means an organization of voters that:

588 (a) participated in the last regular general election and polled a total vote equal to 2%  
589 or more of the total votes cast for all candidates for the United States House of Representatives

590 for any of its candidates for any office; or

591 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
592 Party Formation and Procedures.

593 (53) (a) "Remuneration" means a payment:

594 (i) made to a legislator for the period the Legislature is in session; and

595 (ii) that is approximately equivalent to an amount a legislator would have earned  
596 during the period the Legislature is in session in the legislator's ordinary course of business.

597 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

598 (i) the legislator's primary employer in the ordinary course of business; or

599 (ii) a person or entity in the ordinary course of business:

600 (A) because of the legislator's ownership interest in the entity; or

601 (B) for services rendered by the legislator on behalf of the person or entity.

602 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
603 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
604 action committee, a political issues committee, a corporation, or a labor organization, as  
605 defined in Section [20A-11-1501](#).

606 (55) "School board office" means the office of state school board.

607 (56) (a) "Source" means the person or entity that is the legal owner of the tangible or  
608 intangible asset that comprises the contribution.

609 (b) "Source" means, for political action committees and corporations, the political  
610 action committee and the corporation as entities, not the contributors to the political action  
611 committee or the owners or shareholders of the corporation.

612 (57) "State office" means the offices of governor, lieutenant governor, attorney general,  
613 state auditor, and state treasurer.

614 (58) "State office candidate" means a person who:

615 (a) files a declaration of candidacy for a state office; or

616 (b) receives contributions, makes expenditures, or gives consent for any other person to  
617 receive contributions or make expenditures to bring about the person's nomination, election, or

618 appointment to a state office.

619 (59) "Summary report" means the year end report containing the summary of a  
620 reporting entity's contributions and expenditures.

621 (60) "Supervisory board" means the individual or group of individuals that allocate  
622 expenditures from a political issues committee.

623 Section 3. Section **20A-11-101.3** is amended to read:

624 **20A-11-101.3. Detailed listing and report requirements -- Rulemaking authority.**

625 (1) As used in this section:

626 (a) "Advertising" includes:

627 (i) website development and maintenance;

628 (ii) social media;

629 (iii) television, newspaper, or radio; or

630 (iv) a convention booth.

631 (b) "Association expense" means a membership fee for:

632 (i) a political association; or

633 (ii) an association related to an activity of a candidate or an officeholder.

634 (c) "Campaign Expense" includes:

635 (i) district mapping;

636 (ii) voter data;

637 (iii) a phone bank;

638 (iv) fund-raising expenses;

639 (v) campaign assistance or consulting;

640 (vi) campaign technology;

641 (vii) campaign management;

642 (viii) campaign interns; or

643 (ix) food, and related expenses, purchased:

644 (A) for a campaign event; or

645 (B) for consumption by a candidate or campaign staff while conducting work relating

646 to a campaign.

647 (d) "Donations" includes giving to a charitable organization.

648 (e) "Loans" includes repaying loans.

649 (f) "Office expense" includes:

650 (i) an email server;

651 (ii) phones;

652 (iii) phone service;

653 (iv) computers;

654 (v) printers;

655 (vi) furniture;

656 (vii) tools and hardware; or

657 (viii) food, and related expenses, purchased for consumption during an officeholder  
658 activity.

659 (g) "Political support" includes contributions made to other candidates or political  
660 action committees.

661 (h) "Supplies" includes:

662 (i) signs;

663 (ii) sign holders;

664 (iii) parade supplies;

665 (iv) t-shirts;

666 (v) other campaign goods;

667 (vi) repair or replacement of clothing that is damaged while the candidate or  
668 officeholder is engaged in an activity of a candidate or an officeholder;

669 (vii) printed materials; or

670 (viii) postage.

671 (i) "Travel expenses" includes:

672 (i) political conference registration;

673 (ii) airfare;



- 674 (iii) hotels;
- 675 (iv) food, and related expenses, purchased for consumption during travel;
- 676 (v) vehicle mileage reimbursement; or
- 677 (vi) incidental expenses while traveling.
- 678 (2) As it relates to an expenditure, a detailed listing includes identifying the
- 679 expenditure as falling within one of the following categories:
- 680 (a) advertising;
- 681 (b) association expense;
- 682 (c) campaign expense;
- 683 (d) constituent services;
- 684 (e) donations;
- 685 (f) loans;
- 686 (g) office;
- 687 (h) political support;
- 688 (i) return of a contribution;
- 689 (j) signature gathering;
- 690 (k) supplies;
- 691 (l) travel expenses; or
- 692 (m) other expenditures that do not fall within a category described in Subsections
- 693 (2)(a) through (l), followed by a description of the expenditure.

694 (3) The director of elections, within the Lieutenant Governor's Office, may make rules,  
 695 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in relation to  
 696 the form, type, and level of detail required in a detailed listing or a financial disclosure form.

697 Section 4. Section **20A-11-104** is amended to read:

698 **20A-11-104. Personal use expenditure -- Authorized and prohibited uses of**  
 699 **campaign funds -- Enforcement -- Penalties.**

- 700 (1) (a) As used in this chapter, "personal use expenditure" means an expenditure that:
- 701 (i) (A) is not excluded from the definition of personal use expenditure by Subsection

702 (2); and

703 (B) primarily furthers a personal interest of a candidate or officeholder or a candidate's  
704 or officeholder's family, which interest is not connected with the performance of an activity as  
705 a candidate or an activity or duty of an officeholder; or

706 (ii) would likely cause the candidate or officeholder to recognize the expenditure as  
707 taxable income under federal or state law.

708 (b) "Personal use expenditure" includes:

709 (i) a mortgage, rent, utility, or vehicle payment;

710 (ii) a household food item or supply;

711 [~~(iii) clothing, except for clothing;~~]

712 (iii) a clothing expense, except:

713 (A) clothing bearing the candidate's name or campaign slogan or logo[; ~~and (B)~~] that is  
714 used in the candidate's campaign; or

715 (B) repair or replacement of clothing that is damaged while the candidate or  
716 officeholder is engaged in an activity of a candidate or officeholder;

717 (iv) an admission to a sporting, artistic, or recreational event or other form of  
718 entertainment;

719 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;

720 (vi) a salary payment made to:

721 (A) a candidate or officeholder; or

722 (B) a person who has not provided a bona fide service to a candidate or officeholder;

723 (vii) a vacation;

724 (viii) a vehicle expense;

725 (ix) a meal expense;

726 (x) a travel expense;

727 (xi) a payment of an administrative, civil, or criminal penalty;

728 (xii) a satisfaction of a personal debt;

729 (xiii) a personal service, including the service of an attorney, accountant, physician, or

730 other professional person;

731 (xiv) a membership fee for a professional or service organization; and

732 (xv) a payment in excess of the fair market value of the item or service purchased.

733 (2) As used in this chapter, "personal use expenditure" does not [~~mean~~] include an

734 expenditure made:

735 (a) for a political purpose;

736 (b) for candidacy for public office;

737 (c) to fulfill a duty or activity of an officeholder;

738 (d) for a donation to a registered political party;

739 (e) for a contribution to another candidate's campaign account, including sponsorship

740 of or attendance at an event, the primary purpose of which is to solicit a contribution for

741 another candidate's campaign account;

742 (f) to return all or a portion of a contribution to a contributor;

743 (g) for the following items, if made in connection with the candidacy for public office

744 or an activity or duty of an officeholder:

745 (i) (A) a mileage allowance at the rate established by the Division of Finance under

746 Section [63A-3-107](#); or

747 (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);

748 [~~(ii) a meal expense;~~]

749 [~~(iii) a travel expense, including an expense incurred for airfare or a rental vehicle;~~]

750 (ii) a food expense, including food or beverages:

751 (A) served at a campaign event;

752 (B) served at a charitable event;

753 (C) consumed, or provided to others, by a candidate while the candidate is engaged in

754 campaigning;

755 (D) consumed, or provided to others, by an officeholder while the officeholder is acting

756 in the capacity of an officeholder; or

757 (E) provided as a gift to an individual who works on a candidate's campaign or who

758 assists an officeholder in the officeholder's capacity as an officeholder;

759 (iii) a travel expense of a candidate, if the primary purpose of the travel is related to the  
760 candidate's campaign, including airfare, car rental, other transportation, hotel, or other expenses  
761 incidental to the travel;

762 (iv) a travel expense of an individual assisting a candidate, if the primary purpose of  
763 the travel by the individual is to assist the candidate with the candidate's campaign, including  
764 an expense described in Subsection (2)(g)(iii);

765 (v) a travel expense of an officeholder, if the primary purpose of the travel is related to  
766 an activity or duty of the officeholder, including an expense described in Subsection (2)(g)(iii);

767 (vi) a travel expense of an individual assisting an officeholder, if the primary purpose  
768 of the travel by the individual is to assist the officeholder in an activity or duty of an  
769 officeholder, including an expense described in Subsection (2)(g)(iii);

770 ~~(iv)~~ (vii) a payment for a service provided by an attorney or accountant;

771 ~~(v)~~ (viii) a tuition payment or registration fee for participation in a meeting or  
772 conference;

773 ~~(vi)~~ (ix) a gift;

774 ~~(vii)~~ (x) a payment for the following items in connection with an office space:

775 (A) rent;

776 (B) utilities;

777 (C) a supply; or

778 (D) furnishing;

779 ~~(viii)~~ (xi) a booth at a meeting or event; ~~(v)~~

780 ~~(ix)~~ (xii) educational material; or

781 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of  
782 an officeholder;

783 (h) to purchase or mail informational material, a survey, or a greeting card;

784 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including  
785 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,

786 as defined in Section 13-22-2;

787 (j) to repay a loan a candidate makes from the candidate's personal account to the  
788 candidate's campaign account;

789 (k) to pay membership dues to a national organization whose primary purpose is to  
790 address general public policy;

791 (l) for admission to or sponsorship of an event, the primary purpose of which is to  
792 promote the social, educational, or economic well-being of the state or the candidate's or  
793 officeholder's community;

794 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,  
795 or conference described in this Subsection (2), including related travel expenses and other  
796 expenses, if attendance by the guest is for a primary purpose described in Subsection (2)(g)(iv)  
797 or (vi); or

798 (n) to pay childcare expenses of:

799 (i) a candidate while the candidate is engaging in campaign activity; or

800 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder.

801 (3) (a) The lieutenant governor shall enforce this chapter prohibiting a personal use  
802 expenditure by:

803 (i) evaluating a financial statement to identify a personal use expenditure; and

804 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G,  
805 Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to  
806 believe a candidate or officeholder has made a personal use expenditure.

807 (b) Following the proceeding, the lieutenant governor may issue a signed order  
808 requiring a candidate or officeholder who has made a personal use expenditure to:

809 (i) remit an administrative penalty of an amount equal to 50% of the personal use  
810 expenditure to the lieutenant governor; and

811 (ii) deposit the amount of the personal use expenditure in the campaign account from  
812 which the personal use expenditure was disbursed.

813 (c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in

814 the General Fund.

815 Section 5. Section **20A-11-201** is amended to read:

816 **20A-11-201. State office -- Separate bank account for campaign funds -- No**  
817 **personal use -- State office candidate reporting deadline -- Report other accounts --**  
818 **Anonymous contributions.**

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

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

824 (i) a personal use expenditure; or

825 (ii) an expenditure prohibited by law.

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

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

831 (i) a personal use expenditure; or

832 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

858 (b) Each state office candidate shall report to the lieutenant governor each contribution  
859 received by the state office candidate:

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

862 (ii) within [~~three~~] seven business days after the day on which the contribution is  
863 received, if:

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

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

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

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

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

876 (ii) 20% of the amount of the contribution, if the state office candidate fails to report  
877 the contribution within 60 days after the day on which the time period described in Subsection  
878 (5)(b) ends.

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

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

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

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

889 (e) The lieutenant governor shall:

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

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

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

894 (B) the amount of the fine;

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

896 (D) the date of the contribution.

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



898 institution:

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

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

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

906 (i) a contribution deposited in an account:

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

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

909 (ii) an expenditure made from an account:

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

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

912 (7) Within 31 days after receiving a contribution that is cash or a negotiable  
913 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse  
914 the amount of the contribution to ~~[(a) the treasurer of the state or a political subdivision for  
915 deposit into the state's or political subdivision's general fund; or (b)]~~ an organization that is  
916 exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

917 Section 6. Section **20A-11-204** is amended to read:

918 **20A-11-204. State office candidate and state officeholder -- Financial reporting**  
919 **requirements -- Interim reports.**

920 (1) As used in this section:

921 (a) "Campaign account" means a separate campaign account required under Subsection  
922 [20A-11-201\(1\)\(a\)](#) or (c).

923 (b) "Received" means:

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

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

928 (iii) for a direct deposit made into a campaign account by a person not associated with  
929 the campaign, the earlier of:

930 (A) the day on which the state office candidate or a member of the state office  
931 candidate's personal campaign committee becomes aware of the deposit and the source of the  
932 deposit;

933 (B) the day on which the state office candidate or a member of the state office  
934 candidate's personal campaign committee receives notice of the deposit and the source of the  
935 deposit by mail, email, text, or similar means; or

936 (C) 31 days after the day on which the direct deposit occurs; or

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

939 ~~[(1)]~~ (2) Except as provided in Subsection ~~[(2)]~~ (3), each state office candidate shall  
940 file an interim report at the following times in any year in which the candidate has filed a  
941 declaration of candidacy for a public office:

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

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

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

945 (c) September 30; and

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

947 ~~[(2)]~~ (3) If a state office candidate is a state office candidate seeking appointment for a  
948 midterm vacancy, the state office candidate:

949 (a) shall file an interim report:

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

953 (B) two days before the day on which the political party of the party for which the state

954 office candidate seeks nomination meets to declare a nominee for the governor to appoint in  
955 accordance with Subsection 20A-1-504(1)(b)(i); or

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

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

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

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

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

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

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

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

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

972 (4) Each interim report shall include the following information:

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

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

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

978 (d) a detailed listing of:

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

981 (ii) for a state officeholder, each contribution and public service assistance received

982 since the last summary report that has not been reported in detail on a prior interim report;

983 (e) for each nonmonetary contribution:

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

986 (ii) a specific description of the contribution;

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

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

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

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

994 (i) beginning balance;

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

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

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

999 (v) total expenditures to date; and

1000 (j) the name of a political action committee for which the state office candidate or state  
1001 officeholder is designated as an officer who has primary decision-making authority under  
1002 Section [20A-11-601](#).

1003 (5) (a) In preparing each interim report, all receipts and expenditures shall be reported  
1004 as of five days before the required filing date of the report.

1005 (b) Any negotiable instrument or check received by a state office candidate or state  
1006 officeholder more than five days before the required filing date of a report required by this  
1007 section shall be included in the interim report.

1008 Section 7. Section **20A-11-206** is amended to read:

1009 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

1010 (1) A state office candidate who fails to file a financial statement before the deadline is  
1011 subject to a fine imposed in accordance with Section [20A-11-1005](#).

1012 (2) If a state office candidate fails to file an interim report described in Subsections  
1013 [20A-11-204](#)~~(1)~~(2)(b) through (d), the lieutenant governor may send an electronic notice to the  
1014 state office candidate and the political party of which the state office candidate is a member, if  
1015 any, that states:

1016 (a) that the state office candidate failed to timely file the report; and

1017 (b) that, if the state office candidate fails to file the report within 24 hours after the  
1018 deadline for filing the report, the state office candidate will be disqualified and the political  
1019 party will not be permitted to replace the candidate.

1020 (3) (a) The lieutenant governor shall disqualify a state office candidate and inform the  
1021 county clerk and other appropriate election officials that the state office candidate is  
1022 disqualified if the state office candidate fails to file an interim report described in Subsections  
1023 [20A-11-204](#)~~(1)~~(2)(b) through (d) within 24 hours after the deadline for filing the report.

1024 (b) The political party of a state office candidate who is disqualified under Subsection  
1025 (3)(a) may not replace the state office candidate.

1026 (4) (a) If a state office candidate is disqualified under Subsection (3)(a), the election  
1027 official shall:

1028 (i) remove the state office candidate's name from the ballot; or

1029 (ii) if removing the state office candidate's name from the ballot is not practicable,  
1030 inform the voters by any practicable method that the state office candidate has been  
1031 disqualified and that votes cast for the state office candidate will not be counted.

1032 (b) An election official may fulfill the requirement described in Subsection (4)(a) in  
1033 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a  
1034 written notice directing the voter to a public website that will inform the voter whether a  
1035 candidate on the ballot is disqualified.

1036 (5) A state office candidate is not disqualified if:

1037 (a) the state office candidate timely files the reports described in Subsections

1038 20A-11-204~~(1)~~(2)(b) through (d) no later than 24 hours after the applicable deadlines for  
1039 filing the reports;

1040 (b) the reports are completed, detailing accurately and completely the information  
1041 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
1042 and

1043 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in  
1044 an amended report or the next scheduled report.

1045 (6) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant  
1046 governor shall review each filed summary report to ensure that:

1047 (i) each state office candidate that is required to file a summary report has filed one;  
1048 and

1049 (ii) each summary report contains the information required by this part.

1050 (b) If it appears that any state office candidate has failed to file the summary report  
1051 required by law, if it appears that a filed summary report does not conform to the law, or if the  
1052 lieutenant governor has received a written complaint alleging a violation of the law or the  
1053 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
1054 violation or receipt of a written complaint, notify the state office candidate of the violation or  
1055 written complaint and direct the state office candidate to file a summary report correcting the  
1056 problem.

1057 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary  
1058 report within seven days after receiving notice from the lieutenant governor described in this  
1059 Subsection (6).

1060 (ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B  
1061 misdemeanor.

1062 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the  
1063 attorney general.

1064 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant  
1065 governor shall impose a civil fine of \$100 against a state office candidate who violates

1066 Subsection (6)(c)(i).

1067 Section 8. Section **20A-11-301** is amended to read:

1068 **20A-11-301. Legislative office -- Campaign finance requirements -- Candidate as**  
1069 **a political action committee officer -- No personal use -- Contribution reporting deadline**  
1070 **-- Report other accounts -- Anonymous contributions.**

1071 (1) (a) (i) Each legislative office candidate shall deposit each contribution received in  
1072 one or more separate accounts in a financial institution that are dedicated only to that purpose.

1073 (ii) A legislative office candidate may:

1074 (A) receive a contribution from a political action committee registered under Section  
1075 **20A-11-601**; and

1076 (B) be designated by a political action committee as an officer who has primary  
1077 decision-making authority as described in Section **20A-11-601**.

1078 (b) A legislative office candidate or the candidate's personal campaign committee may  
1079 not use money deposited in an account described in Subsection (1)(a)(i) for:

1080 (i) a personal use expenditure; or

1081 (ii) an expenditure prohibited by law.

1082 (c) (i) Each legislative officeholder shall deposit each contribution and public service  
1083 assistance received in one or more separate accounts in a financial institution that are dedicated  
1084 only to that purpose.

1085 (ii) A legislative officeholder may:

1086 (A) receive a contribution or public service assistance from a political action  
1087 committee registered under Section **20A-11-601**; and

1088 (B) be designated by a political action committee as an officer who has primary  
1089 decision-making authority as described in Section **20A-11-601**.

1090 (d) A legislative officeholder or the legislative officeholder's personal campaign  
1091 committee may not use money deposited in an account described in Subsection (1)(c)(i) for:

1092 (i) a personal use expenditure; or

1093 (ii) an expenditure prohibited by law.

1094 (2) (a) A legislative office candidate may not deposit or mingle any contributions  
1095 received into a personal or business account.

1096 (b) A legislative officeholder may not deposit or mingle any contributions or public  
1097 service assistance received into a personal or business account.

1098 (3) If a person who is no longer a legislative candidate chooses not to expend the  
1099 money remaining in a campaign account, the person shall continue to file the year-end  
1100 summary report required by Section 20A-11-302 until the statement of dissolution and final  
1101 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

1102 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who  
1103 is no longer a legislative office candidate may not expend or transfer the money in a campaign  
1104 account in a manner that would cause the former legislative office candidate to recognize the  
1105 money as taxable income under federal tax law.

1106 (b) A person who is no longer a legislative office candidate may transfer the money in  
1107 a campaign account in a manner that would cause the former legislative office candidate to  
1108 recognize the money as taxable income under federal tax law if the transfer is made to a  
1109 campaign account for federal office.

1110 (5) (a) As used in this Subsection (5), [~~and Section 20A-11-303, "received" means:~~]  
1111 "received" means the same as that term is defined in Subsection 20A-11-303(1)(b).

1112 [~~(i) for a cash contribution, that the cash is given to a legislative office candidate or a  
1113 member of the candidate's personal campaign committee;~~]

1114 [~~(ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1115 instrument or check is negotiated; and]~~

1116 [~~(iii) for any other type of contribution, that any portion of the contribution's benefit  
1117 inures to the legislative office candidate.]~~

1118 (b) Each legislative office candidate shall report to the lieutenant governor each  
1119 contribution received by the legislative office candidate:

1120 (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which  
1121 the contribution is received; or



1122 (ii) within [~~three~~ seven] business days after the day on which the contribution is  
1123 received, if:

1124 (A) the legislative office candidate is contested in a convention and the contribution is  
1125 received within 30 days before the day on which the convention is held;

1126 (B) the legislative office candidate is contested in a primary election and the  
1127 contribution is received within 30 days before the day on which the primary election is held; or

1128 (C) the legislative office candidate is contested in a general election and the  
1129 contribution is received within 30 days before the day on which the general election is held.

1130 (c) Except as provided in Subsection (5)(d), for each contribution that a legislative  
1131 office candidate fails to report within the time period described in Subsection (5)(b), the  
1132 lieutenant governor shall impose a fine against the legislative office candidate in an amount  
1133 equal to:

1134 (i) 10% of the amount of the contribution, if the legislative office candidate reports the  
1135 contribution within 60 days after the day on which the time period described in Subsection  
1136 (5)(b) ends; or

1137 (ii) 20% of the amount of the contribution, if the legislative office candidate fails to  
1138 report the contribution within 60 days after the day on which the time period described in  
1139 Subsection (5)(b) ends.

1140 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and  
1141 issue a warning to the legislative office candidate if:

1142 (i) the contribution that the legislative office candidate fails to report is paid by the  
1143 legislative office candidate from the legislative office candidate's personal funds;

1144 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in  
1145 relation to a contribution paid by the legislative office candidate from the legislative office  
1146 candidate's personal funds; and

1147 (iii) the lieutenant governor determines that the failure to timely report the contribution  
1148 is due to the legislative office candidate not understanding that the reporting requirement  
1149 includes a contribution paid by a legislative office candidate from the legislative office

1150 candidate's personal funds.

1151 (e) The lieutenant governor shall:

1152 (i) deposit money received under Subsection (5)(c) into the General Fund; and

1153 (ii) report on the lieutenant governor's website, in the location where reports relating to

1154 each legislative office candidate are available for public access:

1155 (A) each fine imposed by the lieutenant governor against the legislative office  
1156 candidate;

1157 (B) the amount of the fine;

1158 (C) the amount of the contribution to which the fine relates; and

1159 (D) the date of the contribution.

1160 (6) Within 31 days after receiving a contribution that is cash or a negotiable  
1161 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall  
1162 disburse the amount of the contribution to ~~[(a) the treasurer of the state or a political~~  
1163 ~~subdivision for deposit into the state's or political subdivision's general fund; or (b)]~~ an  
1164 organization that is exempt from federal income taxation under Section 501(c)(3), Internal  
1165 Revenue Code.

1166 (7) (a) As used in this Subsection (7), "account" means an account in a financial  
1167 institution:

1168 (i) that is not described in Subsection (1)(a)(i); and

1169 (ii) into which or from which a person who, as a candidate for an office, other than a  
1170 legislative office for which the person files a declaration of candidacy or federal office, or as a  
1171 holder of an office, other than a legislative office for which the person files a declaration of  
1172 candidacy or federal office, deposits a contribution or makes an expenditure.

1173 (b) A legislative office candidate shall include on any financial statement filed in  
1174 accordance with this part:

1175 (i) a contribution deposited in an account:

1176 (A) since the last campaign finance statement was filed; or

1177 (B) that has not been reported under a statute or ordinance that governs the account; or

- 1178 (ii) an expenditure made from an account:
- 1179 (A) since the last campaign finance statement was filed; or
- 1180 (B) that has not been reported under a statute or ordinance that governs the account.

1181 Section 9. Section **20A-11-303** is amended to read:

1182 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**  
1183 **reporting requirements -- Interim reports.**

1184 [~~(1)(a) As used in this Subsection (1), "campaign]~~

1185 (1) As used in this section:

1186 (a) "Campaign account" means a separate campaign account required under Subsection  
1187 20A-11-301(1)(a)(i) or (c)(i).

1188 (b) "Received" means:

1189 (i) for a cash contribution, that the cash is given to a legislative office candidate or a  
1190 member of the legislative office candidate's personal campaign committee;

1191 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1192 instrument or check is negotiated;

1193 (iii) for a direct deposit made into a campaign account by a person not associated with  
1194 the campaign, the earlier of:

1195 (A) the day on which the legislative office candidate or a member of the legislative  
1196 office candidate's personal campaign committee becomes aware of the deposit and the source  
1197 of the deposit;

1198 (B) the day on which the legislative office candidate or a member of the legislative  
1199 office candidate's personal campaign committee receives notice of the deposit and the source of  
1200 the deposit by mail, email, text, or similar means; or

1201 (C) 31 days after the day on which the direct deposit occurs; or

1202 (iv) for any other type of contribution, that any portion of the contribution's benefit  
1203 inures to the legislative office candidate.

1204 [~~(b)~~] (2) Except as provided in Subsection [(2)] (3), each legislative office candidate  
1205 shall file an interim report at the following times in any year in which the candidate has filed a

1206 declaration of candidacy for a public office:

1207 ~~[(i)-(A)]~~ (a) (i) seven days before the candidate's political convention; or

1208 ~~[(B)]~~ (ii) for an unaffiliated candidate, the fourth Saturday in March;

1209 ~~[(ii)]~~ (b) seven days before the regular primary election date;

1210 ~~[(iii)]~~ (c) September 30; and

1211 ~~[(iv)]~~ (d) seven days before the regular general election date.

1212 ~~[(c) Each legislative officeholder who has a campaign account that has not been~~  
 1213 ~~dissolved under Section 20A-11-304 shall, in an even year, file an interim report at the~~  
 1214 ~~following times, regardless of whether an election for the legislative officeholder's office is~~  
 1215 ~~held that year:]~~

1216 ~~[(i)-(A) seven days before the political convention for the political party of the~~  
 1217 ~~legislative officeholder; or]~~

1218 ~~[(B) for an unaffiliated legislative officeholder, the fourth Saturday in March;]~~

1219 ~~[(ii) seven days before the regular primary election date for that year;]~~

1220 ~~[(iii) September 30; and]~~

1221 ~~[(iv) seven days before the regular general election date.]~~

1222 ~~[(2)]~~ (3) If a legislative office candidate is a legislative office candidate seeking  
 1223 appointment for a midterm vacancy, the legislative office candidate:

1224 (a) shall file an interim report:

1225 (i) (A) seven days before the day on which the political party of the party for which the  
 1226 legislative office candidate seeks nomination meets to declare a nominee for the governor to  
 1227 appoint in accordance with Section 20A-1-503; and

1228 (B) two days before the day on which the political party of the party for which the  
 1229 legislative office candidate seeks nomination meets to declare a nominee for the governor to  
 1230 appoint in accordance with Section 20A-1-503; or

1231 (ii) if the legislative office candidate decides to seek the appointment with less than  
 1232 seven days before the party meets, or the political party schedules the meeting to declare a  
 1233 nominee less than seven days before the day of the meeting, two days before the day on which

1234 the party meets; and

1235 (b) is not required to file an interim report at the times described in Subsection [~~(1)~~(b)]

1236 (2)(a).

1237 [~~(3)~~] (4) Each interim report shall include the following information:

1238 (a) the net balance of the last summary report, if any;

1239 (b) a single figure equal to the total amount of receipts reported on all prior interim

1240 reports, if any, during the calendar year in which the interim report is due;

1241 (c) a single figure equal to the total amount of expenditures reported on all prior

1242 interim reports, if any, filed during the calendar year in which the interim report is due;

1243 (d) a detailed listing of:

1244 (i) for a legislative office candidate, each contribution received since the last summary

1245 report that has not been reported in detail on a prior interim report; or

1246 (ii) for a legislative officeholder, each contribution and public service assistance

1247 received since the last summary report that has not been reported in detail on a prior interim

1248 report;

1249 (e) for each nonmonetary contribution:

1250 (i) the fair market value of the contribution with that information provided by the

1251 contributor; and

1252 (ii) a specific description of the contribution;

1253 (f) a detailed listing of each expenditure made since the last summary report that has

1254 not been reported in detail on a prior interim report;

1255 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1256 (h) a net balance for the year consisting of the net balance from the last summary

1257 report, if any, plus all receipts since the last summary report minus all expenditures since the

1258 last summary report;

1259 (i) a summary page in the form required by the lieutenant governor that identifies:

1260 (i) beginning balance;

1261 (ii) total contributions and public service assistance received during the period since

1262 the last statement;

1263 (iii) total contributions and public service assistance received to date;

1264 (iv) total expenditures during the period since the last statement; and

1265 (v) total expenditures to date; and

1266 (j) the name of a political action committee for which the legislative office candidate or  
1267 legislative officeholder is designated as an officer who has primary decision-making authority  
1268 under Section 20A-11-601.

1269 ~~[(4)]~~ (5) (a) In preparing each interim report, all receipts and expenditures shall be  
1270 reported as of five days before the required filing date of the report.

1271 (b) Any negotiable instrument or check received by a legislative office candidate or  
1272 legislative officeholder more than five days before the required filing date of a report required  
1273 by this section shall be included in the interim report.

1274 Section 10. Section 20A-11-305 is amended to read:

1275 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

1276 (1) A legislative office candidate who fails to file a financial statement before the  
1277 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

1278 (2) If a legislative office candidate fails to file an interim report described in  
1279 Subsections 20A-11-303~~[(1)(b)(ii) through (iv)]~~(2)(b) through (d), the lieutenant governor may  
1280 send an electronic notice to the legislative office candidate and the political party of which the  
1281 legislative office candidate is a member, if any, that states:

1282 (a) that the legislative office candidate failed to timely file the report; and

1283 (b) that, if the legislative office candidate fails to file the report within 24 hours after  
1284 the deadline for filing the report, the legislative office candidate will be disqualified and the  
1285 political party will not be permitted to replace the candidate.

1286 (3) (a) The lieutenant governor shall disqualify a legislative office candidate and  
1287 inform the county clerk and other appropriate election officials that the legislative office  
1288 candidate is disqualified if the legislative office candidate fails to file an interim report  
1289 described in Subsections 20A-11-303~~[(1)(b)(ii) through (iv)]~~(2)(b) through (d) within 24 hours

1290 after the deadline for filing the report.

1291 (b) The political party of a legislative office candidate who is disqualified under  
1292 Subsection (3)(a) may not replace the legislative office candidate.

1293 (4) (a) If a legislative office candidate is disqualified under Subsection (3)(a), the  
1294 election officer shall:

1295 (i) remove the legislative office candidate's name from the ballot; or

1296 (ii) if removing the legislative office candidate's name from the ballot is not  
1297 practicable, inform the voters by any practicable method that the legislative office candidate  
1298 has been disqualified and that votes cast for the legislative office candidate will not be counted.

1299 (b) An election official may fulfill the requirement described in Subsection (4)(a) in  
1300 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a  
1301 written notice directing the voter to a public website that will inform the voter whether a  
1302 candidate on the ballot is disqualified.

1303 (5) A legislative office candidate is not disqualified if:

1304 (a) the legislative office candidate files the reports described in Subsections  
1305 ~~20A-11-303(1)(b)(ii) through (iv)~~ 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable  
1306 deadlines for filing the reports;

1307 (b) the reports are completed, detailing accurately and completely the information  
1308 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
1309 and

1310 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in  
1311 an amended report or the next scheduled report.

1312 (6) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant  
1313 governor shall review each filed summary report to ensure that:

1314 (i) each legislative office candidate that is required to file a summary report has filed  
1315 one; and

1316 (ii) each summary report contains the information required by this part.

1317 (b) If it appears that any legislative office candidate has failed to file the summary

1318 report required by law, if it appears that a filed summary report does not conform to the law, or  
1319 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
1320 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
1321 violation or receipt of a written complaint, notify the legislative office candidate of the  
1322 violation or written complaint and direct the legislative office candidate to file a summary  
1323 report correcting the problem.

1324 (c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary  
1325 report within seven days after receiving notice from the lieutenant governor described in this  
1326 Subsection (6).

1327 (ii) Each legislative office candidate who violates Subsection (6)(c)(i) is guilty of a  
1328 class B misdemeanor.

1329 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the  
1330 attorney general.

1331 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant  
1332 governor shall impose a civil fine of \$100 against a legislative office candidate who violates  
1333 Subsection (6)(c)(i).

1334 Section 11. Section **20A-11-403** is amended to read:

1335 **20A-11-403. Failure to file -- Penalties.**

1336 (1) Within 60 days after a deadline for the filing of a summary report, the lieutenant  
1337 governor shall review each filed summary report to ensure that:

1338 (a) each officeholder that is required to file a summary report has filed one; and

1339 (b) each summary report contains the information required by this part.

1340 (2) If it appears that any officeholder has failed to file the summary report required by  
1341 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant  
1342 governor has received a written complaint alleging a violation of the law or the falsity of any  
1343 summary report, the lieutenant governor shall, if the lieutenant governor determines that a  
1344 violation has occurred:

1345 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and



1346 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
1347 the officeholder of the violation or written complaint and direct the officeholder to file a  
1348 summary report correcting the problem.

1349 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report  
1350 within seven days after receiving notice from the lieutenant governor under this section.

1351 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B  
1352 misdemeanor.

1353 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the  
1354 attorney general.

1355 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant  
1356 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection  
1357 (3)(a).

1358 ~~[(4) Within 60 days after a deadline for the filing of an interim report by an~~  
1359 ~~officeholder under Subsection 20A-11-204(2), 20A-11-303(1)(c), or 20A-11-1303(1)(d), the~~  
1360 ~~lieutenant governor shall review each filed interim report to ensure that each interim report~~  
1361 ~~contains the information required for the report.]~~

1362 ~~[(5) If it appears that any officeholder has failed to file an interim report required by~~  
1363 ~~law, if it appears that a filed interim report does not conform to the law, or if the lieutenant~~  
1364 ~~governor has received a written complaint alleging a violation of the law or the falsity of any~~  
1365 ~~interim report, the lieutenant governor shall, if the lieutenant governor determines that a~~  
1366 ~~violation has occurred:]~~

1367 ~~[(a) impose a fine against the filing entity in accordance with Section 20A-11-1005;~~  
1368 ~~and]~~

1369 ~~[(b) within five days after the day on which the violation is discovered or a written~~  
1370 ~~complaint is received, notify the officeholder of the violation or written complaint and direct~~  
1371 ~~the officeholder to file an interim report correcting the problem.]~~

1372 ~~[(6) (a) It is unlawful for any officeholder to fail to file or amend an interim report~~  
1373 ~~within seven days after the day on which the officeholder receives notice from the lieutenant~~

1374 ~~governor under this section.]~~

1375 ~~[(b) Each officeholder who violates Subsection (6)(a) is guilty of a class B~~  
1376 ~~misdemeanor.]~~

1377 ~~[(c) The lieutenant governor shall report all violations of Subsection (6)(a) to the~~  
1378 ~~attorney general.]~~

1379 ~~[(d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant~~  
1380 ~~governor shall impose a civil fine of \$100 against an officeholder who violates Subsection~~  
1381 ~~(6)(a).]~~

1382 Section 12. Section **20A-11-705** is amended to read:

1383 **20A-11-705. Notice of in-kind contributions.**

1384 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in  
1385 accordance with Subsection (2), provide the reporting entity a written notice that includes:

- 1386 (a) the name and address of the corporation;
- 1387 (b) the date of the in-kind expenditure;
- 1388 (c) a description of the in-kind expenditure; and
- 1389 (d) the value, in dollars, of the in-kind expenditure.

1390 (2) A corporation shall provide the written notice described in Subsection (1) to the  
1391 reporting entity:

1392 (a) except as provided in Subsection (2)(b), within 31 days after the day on which the  
1393 corporation makes the in-kind contribution; or

1394 (b) within ~~[three]~~ seven business days after the day on which the corporation makes the  
1395 in-kind contribution, if:

1396 (i) the in-kind contribution is to a candidate who is contested in a convention and the  
1397 corporation makes the in-kind contribution within 30 days before the day on which the  
1398 convention is held;

1399 (ii) the in-kind contribution is to a candidate who is contested in a primary election and  
1400 the corporation makes the in-kind contribution within 30 days before the day on which the  
1401 primary election is held; or

1402 (iii) the in-kind contribution is to a candidate who is contested in a general election and  
1403 the corporation makes the in-kind contribution within 30 days before the day on which the  
1404 general election is held.

1405 (3) A corporation that provides, and a reporting entity that receives, the written notice  
1406 described in Subsection (1) shall retain a copy of the notice for five years after the day on  
1407 which the written notice is provided to the reporting entity.

1408 (4) A corporation or reporting entity that fails to comply with the requirements of this  
1409 section is guilty of a class B misdemeanor.

1410 (5) A person that intentionally or knowingly provides, or conspires to provide, false  
1411 information on a written notice described in this section is guilty of a class B misdemeanor.

1412 Section 13. Section **20A-11-801** is amended to read:

1413 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**  
1414 **providing false information or accepting unlawful contribution.**

1415 (1) (a) Unless the political issues committee has filed a notice of dissolution under  
1416 Subsection (4), each political issues committee shall file a statement of organization with the  
1417 lieutenant governor's office:

1418 (i) before 5 p.m. on January 10 of each year; or

1419 (ii) electronically, before midnight on January 10 of each year.

1420 (b) If a political issues committee is organized after the filing deadline described in  
1421 Subsection (1)(a), the political issues committee shall file an initial statement of organization  
1422 no later than seven days after the day on which the political issues committee:

1423 (i) receives political issues contributions totaling at least \$750; or

1424 (ii) distributes political issues expenditures totaling at least \$750.

1425 (c) Each political issues committee shall deposit each contribution received into one or  
1426 more separate accounts in a financial institution that are dedicated only to that purpose.

1427 (2) (a) Each political issues committee shall designate two officers that have primary  
1428 decision-making authority for the political issues committee.

1429 (b) An individual may not exercise primary decision-making authority for a political

1430 issues committee if the individual is not designated under Subsection (2)(a).  
1431           (3) The statement of organization shall include:  
1432           (a) the name and address of the political issues committee;  
1433           (b) the name, address, phone number, occupation, and title of the two primary officers  
1434 designated under Subsection (2);  
1435           (c) the name, address, occupation, and title of all other officers of the political issues  
1436 committee;  
1437           (d) the name and address of the organization, individual, corporation, association, unit  
1438 of government, or union that the political issues committee represents, if any;  
1439           (e) the name and address of all affiliated or connected organizations and their  
1440 relationships to the political issues committee;  
1441           (f) the name, residential address, business address, occupation, and phone number of  
1442 the committee's treasurer or chief financial officer;  
1443           (g) the name, address, and occupation of each member of the supervisory and advisory  
1444 boards, if any; and  
1445           (h) the ballot proposition whose outcome they wish to affect, and whether they support  
1446 or oppose it.  
1447           (4) (a) A registered political issues committee that intends to permanently cease  
1448 operations during a calendar year shall:  
1449           (i) dispose of all remaining funds by returning the funds to donors or donating the  
1450 funds to an organization that is exempt from federal income taxation under Section 501(c)(3),  
1451 Internal Revenue Code; and  
1452           (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the  
1453 lieutenant governor's office.  
1454           (b) A political issues committee may not donate money to a political action committee,  
1455 but may accept a contribution from a political action committee.  
1456           (c) Any notice of dissolution filed by a political issues committee does not exempt that  
1457 political issues committee from complying with the financial reporting requirements of this

1458 chapter in relation to all contributions received, and all expenditures made, before, at, or after  
1459 dissolution.

1460 (d) A political issues committee shall report all money donated or expended under  
1461 Subsection (4)(a) in a financial report to the lieutenant governor, in accordance with the  
1462 financial reporting requirements described in this chapter.

1463 (5) (a) Unless the political issues committee has filed a notice of dissolution under  
1464 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,  
1465 notice of any change of an officer described in Subsection (2).

1466 (b) A political issues committee shall:

1467 (i) file a notice of a change of a primary officer described in Subsection (2)(a) before 5  
1468 p.m. within 10 days after the day on which the change occurs; and

1469 (ii) include in the notice of change the name and title of the officer being replaced and  
1470 the name, address, occupation, and title of the new officer.

1471 (6) (a) A person is guilty of providing false information in relation to a political issues  
1472 committee if the person intentionally or knowingly gives false or misleading material  
1473 information in the statement of organization or the notice of change of primary officer.

1474 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting  
1475 an unlawful contribution if the political issues committee knowingly or recklessly accepts a  
1476 contribution from a corporation that:

1477 (i) was organized less than 90 days before the date of the general election; and

1478 (ii) at the time the political issues committee accepts the contribution, has failed to file  
1479 a statement of organization with the lieutenant governor's office as required by Section  
1480 [20A-11-704](#).

1481 (c) A violation of this Subsection (6) is a third degree felony.

1482 (7) (a) As used in this Subsection (7), "received" means:

1483 (i) for a cash contribution, that the cash is given to a political issues committee;

1484 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
1485 instrument or check is negotiated; and

1486 (iii) for any other type of contribution, that any portion of the contribution's benefit  
1487 inures to the political issues committee.

1488 (b) Each political issues committee shall report to the lieutenant governor each  
1489 contribution received by the political issues committee within [~~three~~] seven business days after  
1490 the day on which the contribution is received if the contribution is received within 30 days  
1491 before the last day on which the sponsors of the initiative or referendum described in  
1492 Subsection [20A-11-801\(3\)\(h\)](#) may submit signatures to qualify the initiative or referendum for  
1493 the ballot.

1494 (c) For each contribution that a political issues committee fails to report within the  
1495 period described in Subsection (7)(b), the lieutenant governor shall impose a fine against the  
1496 political issues committee in an amount equal to:

1497 (i) 10% of the amount of the contribution, if the political issues committee reports the  
1498 contribution within 60 days after the last day on which the political issues committee should  
1499 have reported the contribution under Subsection (7)(b); or

1500 (ii) 20% of the amount of the contribution, if the political issues committee fails to  
1501 report the contribution within 60 days after the last day on which the political issues committee  
1502 should have reported the contribution under Subsection (7)(b).

1503 (d) The lieutenant governor shall:

1504 (i) deposit money received under Subsection (7)(c) into the General Fund; and

1505 (ii) report on the lieutenant governor's website, in the location where reports relating to  
1506 each political issues committee are available for public access:

1507 (A) each fine imposed by the lieutenant governor against the political issues  
1508 committee;

1509 (B) the amount of the fine;

1510 (C) the amount of the contribution to which the fine relates; and

1511 (D) the date of the contribution.

1512 Section 14. Section [20A-11-1301](#) is amended to read:

1513 **20A-11-1301. School board office -- Campaign finance requirements -- Candidate**

1514 **as a political action committee officer -- No personal use -- Contribution reporting**  
1515 **deadline -- Report other accounts -- Anonymous contributions.**

1516 (1) (a) (i) Each school board office candidate shall deposit each contribution received  
1517 in one or more separate accounts in a financial institution that are dedicated only to that  
1518 purpose.

1519 (ii) A school board office candidate may:

1520 (A) receive a contribution from a political action committee registered under Section  
1521 [20A-11-601](#); and

1522 (B) be designated by a political action committee as an officer who has primary  
1523 decision-making authority as described in Section [20A-11-601](#).

1524 (b) A school board office candidate may not use money deposited in an account  
1525 described in Subsection (1)(a)(i) for:

1526 (i) a personal use expenditure; or

1527 (ii) an expenditure prohibited by law.

1528 (c) (i) Each school board officeholder shall deposit each contribution and public  
1529 service assistance received in one or more separate accounts in a financial institution that are  
1530 dedicated only to that purpose.

1531 (ii) A school board officeholder may:

1532 (A) receive a contribution or public service assistance from a political action  
1533 committee registered under Section [20A-11-601](#); and

1534 (B) be designated by a political action committee as an officer who has primary  
1535 decision-making authority as described in Section [20A-11-601](#).

1536 (d) A school board officeholder may not use money deposited in an account described  
1537 in Subsection (1)(a)(i) or (1)(c)(i) for:

1538 (i) a personal use expenditure; or

1539 (ii) an expenditure prohibited by law.

1540 (2) (a) A school board office candidate may not deposit or mingle any contributions  
1541 received into a personal or business account.

1542 (b) A school board officeholder may not deposit or mingle any contributions or public  
1543 service assistance received into a personal or business account.

1544 (3) A school board office candidate or school board officeholder may not make any  
1545 political expenditures prohibited by law.

1546 (4) If a person who is no longer a school board office candidate chooses not to expend  
1547 the money remaining in a campaign account, the person shall continue to file the year-end  
1548 summary report required by Section 20A-11-1302 until the statement of dissolution and final  
1549 summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

1550 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who  
1551 is no longer a school board office candidate may not expend or transfer the money in a  
1552 campaign account in a manner that would cause the former school board office candidate to  
1553 recognize the money as taxable income under federal tax law.

1554 (b) A person who is no longer a school board office candidate may transfer the money  
1555 in a campaign account in a manner that would cause the former school board office candidate  
1556 to recognize the money as taxable income under federal tax law if the transfer is made to a  
1557 campaign account for federal office.

1558 (6) (a) As used in this Subsection (6), "received" means the same as that term is  
1559 defined in Subsection 20A-11-1303(1)(a).

1560 (b) Except as provided in Subsection (6)(d), each school board office candidate shall  
1561 report to the chief election officer each contribution received by the school board office  
1562 candidate:

1563 (i) except as provided in Subsection (6)(b)(ii), within 31 days after the day on which  
1564 the contribution is received; or

1565 (ii) within [~~three~~] seven business days after the day on which the contribution is  
1566 received, if:

1567 (A) the school board office candidate is contested in a convention and the contribution  
1568 is received within 30 days before the day on which the convention is held;

1569 (B) the school board office candidate is contested in a primary election and the



1570 contribution is received within 30 days before the day on which the primary election is held; or

1571 (C) the school board office candidate is contested in a general election and the  
1572 contribution is received within 30 days before the day on which the general election is held.

1573 (c) For each contribution that a school board office candidate fails to report within the  
1574 time period described in Subsection (6)(b), the chief election officer shall impose a fine against  
1575 the school board office candidate in an amount equal to:

1576 (i) 10% of the amount of the contribution, if the school board office candidate reports  
1577 the contribution within 60 days after the day on which the time period described in Subsection  
1578 (6)(b) ends; or

1579 (ii) 20% of the amount of the contribution, if the school board office candidate fails to  
1580 report the contribution within 60 days after the day on which the time period described in  
1581 Subsection (6)(b) ends.

1582 (d) The lieutenant governor may waive the fine described in Subsection (6)(c) and  
1583 issue a warning to the school board office candidate if:

1584 (i) the contribution that the school board office candidate fails to report is paid by the  
1585 school board office candidate from the school board office candidate's personal funds;

1586 (ii) the school board office candidate has not previously violated Subsection (6)(c) in  
1587 relation to a contribution paid by the school board office candidate from the school board office  
1588 candidate's personal funds; and

1589 (iii) the lieutenant governor determines that the failure to timely report the contribution  
1590 is due to the school board office candidate not understanding that the reporting requirement  
1591 includes a contribution paid by a school board office candidate from the school board office  
1592 candidate's personal funds.

1593 (e) The chief election officer shall:

1594 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1595 (ii) report on the chief election officer's website, in the location where reports relating  
1596 to each school board office candidate are available for public access:

1597 (A) each fine imposed by the chief election officer against the school board office

1598 candidate;

1599 (B) the amount of the fine;

1600 (C) the amount of the contribution to which the fine relates; and

1601 (D) the date of the contribution.

1602 (7) Within 31 days after receiving a contribution that is cash or a negotiable

1603 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall

1604 disburse the contribution to ~~[(a) the treasurer of the state or a political subdivision for deposit~~

1605 ~~into the state's or political subdivision's general fund; or (b)]~~ an organization that is exempt

1606 from federal income taxation under Section 501(c)(3), Internal Revenue Code.

1607 (8) (a) As used in this Subsection (8), "account" means an account in a financial

1608 institution:

1609 (i) that is not described in Subsection (1)(a)(i); and

1610 (ii) into which or from which a person who, as a candidate for an office, other than a  
1611 school board office for which the person files a declaration of candidacy or federal office, or as  
1612 a holder of an office, other than a school board office for which the person files a declaration of  
1613 candidacy or federal office, deposits a contribution or makes an expenditure.

1614 (b) A school board office candidate shall include on any financial statement filed in  
1615 accordance with this part:

1616 (i) a contribution deposited in an account:

1617 (A) since the last campaign finance statement was filed; or

1618 (B) that has not been reported under a statute or ordinance that governs the account; or

1619 (ii) an expenditure made from an account:

1620 (A) since the last campaign finance statement was filed; or

1621 (B) that has not been reported under a statute or ordinance that governs the account.

1622 Section 15. Section **20A-11-1303** is amended to read:

1623 **20A-11-1303. School board office candidate and school board officeholder --**

1624 **Financial reporting requirements -- Interim reports.**

1625 (1) (a) As used in this section, "received" means:

1626 (i) for a cash contribution, that the cash is given to a school board office candidate or a  
1627 member of the school board office candidate's personal campaign committee;

1628 (ii) for a contribution that is a check or other negotiable instrument, that the check or  
1629 other negotiable instrument is negotiated; [or]

1630 (iii) for a direct deposit made into a campaign account by a person not associated with  
1631 the campaign, the earlier of:

1632 (A) the day on which the school board office candidate or a member of the school  
1633 board office candidate's personal campaign committee becomes aware of the deposit and the  
1634 source of the deposit;

1635 (B) the day on which the school board office candidate or a member of the school  
1636 board office candidate's personal campaign committee receives notice of the deposit and the  
1637 source of the deposit by mail, email, text, or similar means; or

1638 (C) 31 days after the day on which the direct deposit occurs; or

1639 [(iii)] (iv) for any other type of contribution, that any portion of the contribution's  
1640 benefit inures to the school board office candidate.

1641 (b) As used in this Subsection (1), "campaign account" means a separate campaign  
1642 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).

1643 (c) Each school board office candidate shall file an interim report at the following  
1644 times in any year in which the candidate has filed a declaration of candidacy for a public office:

1645 (i) May 15;

1646 (ii) seven days before the regular primary election date;

1647 (iii) September 30; and

1648 (iv) seven days before the regular general election date.

1649 [~~(d) Each school board officeholder who has a campaign account that has not been~~  
1650 ~~dissolved under Section 20A-11-1304 shall, in an even year, file an interim report at the~~  
1651 ~~following times, regardless of whether an election for the school board officeholder's office is~~  
1652 ~~held that year:]~~

1653 [(i) May 15;]

- 1654            [~~(ii) seven days before the regular primary election date for that year;~~]  
1655            [~~(iii) September 30; and~~]  
1656            [~~(iv) seven days before the regular general election date.~~]  
1657            (2) Each interim report shall include the following information:  
1658            (a) the net balance of the last summary report, if any;  
1659            (b) a single figure equal to the total amount of receipts reported on all prior interim  
1660 reports, if any, during the calendar year in which the interim report is due;  
1661            (c) a single figure equal to the total amount of expenditures reported on all prior  
1662 interim reports, if any, filed during the calendar year in which the interim report is due;  
1663            (d) a detailed listing of:  
1664            (i) for a school board office candidate, each contribution received since the last  
1665 summary report that has not been reported in detail on a prior interim report; or  
1666            (ii) for a school board officeholder, each contribution and public service assistance  
1667 received since the last summary report that has not been reported in detail on a prior interim  
1668 report;  
1669            (e) for each nonmonetary contribution:  
1670            (i) the fair market value of the contribution with that information provided by the  
1671 contributor; and  
1672            (ii) a specific description of the contribution;  
1673            (f) a detailed listing of each expenditure made since the last summary report that has  
1674 not been reported in detail on a prior interim report;  
1675            (g) for each nonmonetary expenditure, the fair market value of the expenditure;  
1676            (h) a net balance for the year consisting of the net balance from the last summary  
1677 report, if any, plus all receipts since the last summary report minus all expenditures since the  
1678 last summary report;  
1679            (i) a summary page in the form required by the lieutenant governor that identifies:  
1680            (i) beginning balance;  
1681            (ii) total contributions during the period since the last statement;

- 1682 (iii) total contributions to date;
- 1683 (iv) total expenditures during the period since the last statement; and
- 1684 (v) total expenditures to date; and
- 1685 (j) the name of a political action committee for which the school board office candidate
- 1686 or school board officeholder is designated as an officer who has primary decision-making
- 1687 authority under Section 20A-11-601.

1688 (3) (a) In preparing each interim report, all receipts and expenditures shall be reported  
1689 as of five days before the required filing date of the report.

1690 (b) Any negotiable instrument or check received by a school board office candidate or  
1691 school board officeholder more than five days before the required filing date of a report  
1692 required by this section shall be included in the interim report.

1693 Section 16. Section 20A-11-1602 is amended to read:

1694 **20A-11-1602. Definitions.**

1695 As used in this part:

1696 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that  
1697 the officeholder reasonably believes may cause direct financial benefit or detriment to the  
1698 officeholder, a member of the officeholder's immediate family, or an individual or entity that  
1699 the officeholder is required to disclose under the provisions of this section, if that benefit or  
1700 detriment is distinguishable from the effects of that action on the public or on the officeholder's  
1701 profession, occupation, or association generally.

1702 (2) "Conflict of interest disclosure" means ~~[(a) before January 1, 2020, a conflict of~~  
1703 ~~interest disclosure form that includes all information required under Section 20A-11-1604; and~~  
1704 ~~(b) on or after January 1, 2020,]~~ a disclosure, on the website, of all information required under  
1705 Section 20A-11-1604.

1706 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited  
1707 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint  
1708 venture, a governmental entity, an unincorporated organization, or any other legal entity,  
1709 regardless of whether it is established primarily for the purpose of gain or economic profit.

1710 (4) "Filing officer" means:

1711 (a) the lieutenant governor, for the office of a state constitutional officer or State Board  
1712 of Education member; or

1713 (b) the lieutenant governor or the county clerk in the county of the candidate's  
1714 residence, for a state legislative office.

1715 (5) "Immediate family" means the regulated officeholder's spouse, a child living in the  
1716 regulated officeholder's immediate household, or an individual claimed as a dependent for state  
1717 or federal income tax purposes by the regulated officeholder.

1718 (6) "Income" means earnings, compensation, or any other payment made to an  
1719 individual for gain, regardless of source, whether denominated as wages, salary, commission,  
1720 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,  
1721 reimbursement, dividends, or otherwise.

1722 (7) (a) "Owner or officer" means an individual who owns an ownership interest in an  
1723 entity or holds a position where the person has authority to manage, direct, control, or make  
1724 decisions for:

1725 (i) the entity or a portion of the entity; or

1726 (ii) an employee, agent, or independent contractor of the entity.

1727 (b) "Owner or officer" includes:

1728 (i) a member of a board of directors or other governing body of an entity; or

1729 (ii) a partner in any type of partnership.

1730 (8) "Preceding year" means the year immediately preceding the day on which the  
1731 regulated officeholder makes a conflict of interest disclosure.

1732 (9) "Regulated officeholder" means an individual who is required to make a conflict of  
1733 interest disclosure under the provisions of this part.

1734 (10) "State constitutional officer" means the governor, the lieutenant governor, the state  
1735 auditor, the state treasurer, or the attorney general.

1736 (11) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure  
1737 Website described in Section [20A-11-1602.5](#).

1738 Section 17. Section **20A-11-1602.5** is amended to read:

1739 **20A-11-1602.5. Candidate and Officeholder Conflict of Interest Disclosure**

1740 **Website.**

1741 (1) The lieutenant governor shall, in cooperation with the county clerks, establish and  
1742 administer a Candidate and Officeholder Conflict of Interest Disclosure Website.

1743 (2) [~~Beginning no later than January 1, 2020, the~~] The website shall:

1744 (a) permit a candidate or officeholder to securely access the website for the purpose of:

1745 (i) complying with the conflict of interest disclosure requirements described in this  
1746 part; and

1747 (ii) editing conflict of interest disclosures;

1748 (b) contain a record of all conflict of interest disclosures and edits made by the  
1749 candidate or officeholder for at least the preceding four years; and

1750 (c) permit any person to view a conflict of interest disclosure made by a candidate or  
1751 officeholder.

1752 [~~(3) No sooner than January 1, 2020, and before January 11, 2020, each individual who~~  
1753 ~~is required to make a conflict of interest disclosure under this part shall, regardless of whether~~  
1754 ~~the individual has already made a conflict of interest disclosure by a means other than the~~  
1755 ~~website, make a complete and updated conflict of interest disclosure on the website using the~~  
1756 ~~secure access described in Subsection (2)(a).]~~

1757 Section 18. Section **20A-11-1603** is amended to read:

1758 **20A-11-1603. Conflict of interest disclosure -- Required when filing for candidacy**

1759 **-- Public availability.**

1760 [~~(1) Beginning on January 1, 2020]~~

1761 (1) (a) Except as provided in Subsection (1)(b), candidates seeking the following  
1762 offices shall make a complete conflict of interest disclosure on the website at the time of filing  
1763 a declaration of candidacy:

1764 [(a)] (i) state constitutional officer;

1765 [(b)] (ii) state legislator; or

1766 ~~[(e)]~~ (iii) State Board of Education member.

1767 (b) A candidate is not required to comply with Subsection (1)(a) if the candidate:

1768 (i) currently holds the office for which the candidate is seeking reelection;

1769 (ii) already, that same year, filed the conflict of interest disclosure for the office

1770 described in Subsection (1)(b)(i), in accordance Section [20A-11-1604](#); and

1771 (iii) at the time the candidate files the declaration of candidacy, indicates, in writing,

1772 that the conflict of interest disclosure described in Subsection (1)(b)(ii) is updated and accurate

1773 as of the date of filing the declaration of candidacy.

1774 (2) [A] Except as provided in Subsection (1)(b), a filing officer may not accept a

1775 declaration of candidacy for an office listed in Subsection (1)(a) until the candidate makes a

1776 complete conflict of interest disclosure on the website.

1777 (3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the

1778 same requirements and shall be in the same format as the conflict of interest disclosure

1779 described in Section [20A-11-1604](#).

1780 ~~[(4) Until January 1, 2020, the filing officer shall:]~~

1781 ~~[(a) make each financial disclosure form that the filing officer receives available for~~

1782 ~~public inspection at the filing officer's place of business; and]~~

1783 ~~[(b) if the filing officer is not the lieutenant governor, provide each financial disclosure~~

1784 ~~form to the lieutenant governor within one business day after the day on which the candidate~~

1785 ~~files the financial disclosure form.]~~

1786 ~~[(5) Until January 1, 2020, the lieutenant governor shall make each financial disclosure~~

1787 ~~form that the lieutenant governor receives available to the public:]~~

1788 ~~[(a) at the Office of the Lieutenant Governor; and]~~

1789 ~~[(b) on the Statewide Electronic Voter Information Website administered by the~~

1790 ~~lieutenant governor.]~~

1791 ~~[(6) Beginning on January 1, 2020, the]~~

1792 (4) The lieutenant governor shall make the complete conflict of interest disclosure

1793 made by each candidate available for public inspection on the website.



1794 Section 19. Section **20A-11-1604** is amended to read:

1795 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with**  
1796 **reporting requirements.**

1797 (1) (a) Before or during the execution of any order, settlement, declaration, contract, or  
1798 any other official act of office in which a state constitutional officer has actual knowledge that  
1799 the state constitutional officer has a conflict of interest that is not stated in the conflict of  
1800 interest disclosure, the state constitutional officer shall publicly declare that the state  
1801 constitutional officer may have a conflict of interest and what that conflict of interest is.

1802 (b) Before or during any vote on legislation or any legislative matter in which a  
1803 legislator has actual knowledge that the legislator has a conflict of interest that is not stated in  
1804 the conflict of interest disclosure, the legislator shall orally declare to the committee or body  
1805 before which the matter is pending that the legislator may have a conflict of interest and what  
1806 that conflict is.

1807 (c) Before or during any vote on any rule, resolution, order, or any other board matter  
1808 in which a member of the State Board of Education has actual knowledge that the member has  
1809 a conflict of interest that is not stated in the conflict of interest disclosure, the member shall  
1810 orally declare to the board that the member may have a conflict of interest and what that  
1811 conflict of interest is.

1812 (2) Any public declaration of a conflict of interest that is made under Subsection (1)  
1813 shall be noted:

1814 (a) on the official record of the action taken, for a state constitutional officer;

1815 (b) in the minutes of the committee meeting or in the Senate or House Journal, as  
1816 applicable, for a legislator; or

1817 (c) in the minutes of the meeting or on the official record of the action taken, for a  
1818 member of the State Board of Education.

1819 ~~[(3) (a) Until January 1, 2020, a state constitutional officer shall file a financial~~  
1820 ~~disclosure form.]~~

1821 ~~[(i) (A) on January 10 each year, or the following business day if the due date falls on a~~

1822 ~~weekend or holiday; or]~~  
1823  ~~[(B) if the state constitutional officer takes office after January 10, within 10 days after~~  
1824  ~~the day on which the state constitutional officer takes office; and]~~  
1825  ~~[(ii) each time the state constitutional officer changes employment.]~~  
1826  ~~[(b) Beginning on January 1, 2020, a]~~  
1827 (3) A state constitutional officer shall make a complete conflict of interest disclosure  
1828 on the website:  
1829 (a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or  
1830 ~~[(B)]~~ (ii) if the state constitutional officer takes office after January 10, within 10 days  
1831 after the day on which the state constitutional officer takes office; and  
1832 ~~[(ii)]~~ (b) each time the state constitutional officer changes employment.  
1833 ~~[(c) Until January 1, 2020, a legislator shall file a financial disclosure form:]~~  
1834 ~~[(i) (A) on the first day of each general session of the Legislature; or]~~  
1835 ~~[(B) if the legislator takes office after the first day of the general session of the~~  
1836  ~~Legislature, within 10 days after the day on which the legislator takes office; and]~~  
1837 ~~[(ii) each time the legislator changes employment.]~~  
1838 ~~[(d) Beginning on January 1, 2020, a]~~  
1839 (4) A legislator shall make a complete conflict of interest disclosure on the website:  
1840 (a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or  
1841 ~~[(B)]~~ (ii) if the legislator takes office after January 10, within 10 days after the day on  
1842 which the legislator takes office; and  
1843 ~~[(ii)]~~ (b) each time the legislator changes employment.  
1844 ~~[(e) Until January 1, 2020, a member of the State Board of Education shall file a~~  
1845  ~~financial disclosure form:]~~  
1846 ~~[(i) (A) on January 10 of each year, or the following business day if the due date falls~~  
1847  ~~on a weekend or holiday; or]~~  
1848 ~~[(B) if the member takes office after January 10, within 10 days after the day on which~~  
1849  ~~the member takes office; and]~~

1850 ~~[(ii) each time the member changes employment.]~~  
1851 ~~[(f) Beginning on January 1, 2020, a]~~  
1852 (5) A member of the State Board of Education shall make a complete conflict of  
1853 interest disclosure on the website:  
1854 (a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or  
1855 ~~[(B)]~~ (ii) if the member takes office after January 10, within 10 days after the day on  
1856 which the member takes office; and  
1857 ~~[(ii)]~~ (b) each time the member changes employment.  
1858 ~~[(4) The]~~  
1859 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall  
1860 include:  
1861 (a) the regulated officeholder's name;  
1862 (b) the name and address of each of the regulated officeholder's current employers and  
1863 each of the regulated officeholder's employers during the preceding year;  
1864 (c) for each employer described in Subsection ~~[(4)]~~ (6)(b), a brief description of the  
1865 employment, including the regulated officeholder's occupation and, as applicable, job title;  
1866 (d) for each entity in which the regulated officeholder is an owner or officer, or was an  
1867 owner or officer during the preceding year:  
1868 (i) the name of the entity;  
1869 (ii) a brief description of the type of business or activity conducted by the entity; and  
1870 (iii) the regulated officeholder's position in the entity;  
1871 (e) in accordance with Subsection ~~[(5)(b)]~~ (7), for each individual from whom, or  
1872 entity from which, the regulated officeholder has received \$5,000 or more in income during the  
1873 preceding year:  
1874 (i) the name of the individual or entity; and  
1875 (ii) a brief description of the type of business or activity conducted by the individual or  
1876 entity;  
1877 (f) for each entity in which the regulated officeholder holds any stocks or bonds having

1878 a fair market value of \$5,000 or more as of the date of the disclosure form or during the  
1879 preceding year, but excluding funds that are managed by a third party, including blind trusts,  
1880 managed investment accounts, and mutual funds:

- 1881 (i) the name of the entity; and
- 1882 (ii) a brief description of the type of business or activity conducted by the entity;

1883 (g) for each entity not listed in Subsections [~~(4)~~] (6)(d) through (f) in which the  
1884 regulated officeholder currently serves, or served in the preceding year, on the board of  
1885 directors or in any other type of paid leadership capacity:

- 1886 (i) the name of the entity or organization;
- 1887 (ii) a brief description of the type of business or activity conducted by the entity; and
- 1888 (iii) the type of advisory position held by the regulated officeholder;

1889 (h) at the option of the regulated officeholder, a description of any real property in  
1890 which the regulated officeholder holds an ownership or other financial interest that the  
1891 regulated officeholder believes may constitute a conflict of interest, including a description of  
1892 the type of interest held by the regulated officeholder in the property;

1893 (i) the name of the regulated officeholder's spouse and any other adult residing in the  
1894 regulated officeholder's household who is not related by blood or marriage, as applicable;

1895 (j) for the regulated officeholder's spouse, the information that a regulated officeholder  
1896 is required to provide under Subsection [~~(4)~~] (6)(b);

1897 (k) a brief description of the employment and occupation of each adult who:

- 1898 (i) resides in the regulated officeholder's household; and
- 1899 (ii) is not related to the regulated officeholder by blood or marriage;

1900 (l) at the option of the regulated officeholder, a description of any other matter or  
1901 interest that the regulated officeholder believes may constitute a conflict of interest;

1902 (m) the date the form was completed;

1903 (n) a statement that the regulated officeholder believes that the form is true and  
1904 accurate to the best of the regulated officeholder's knowledge; and

1905 (o) the signature of the regulated officeholder.

1906           ~~[(5) (a) Before January 1, 2020, the regulated officeholder shall file the financial~~  
1907 ~~disclosure form with:]~~

1908           ~~[(i) the secretary of the Senate, if the regulated officeholder is a member of the Senate;]~~

1909           ~~[(ii) the chief clerk of the House of Representatives, if the regulated officeholder is a~~  
1910 ~~member of the House of Representatives; or]~~

1911           ~~[(iii) the lieutenant governor, if the regulated officeholder is a regulated officeholder~~  
1912 ~~other than a regulated officeholder described in Subsection (5)(a)(i) or (ii).]~~

1913           ~~[(b)] (7) In making the disclosure described in Subsection [(4)] (6)(e), a regulated~~  
1914 ~~officeholder who provides goods or services to multiple customers or clients as part of a~~  
1915 ~~business or a licensed profession is only required to provide the information described in~~  
1916 ~~Subsection [(4)] (6)(e) in relation to the entity or practice through which the regulated~~  
1917 ~~officeholder provides the goods or services and is not required to provide the information~~  
1918 ~~described in Subsection [(4)] (6)(e) in relation to the regulated officeholder's individual~~  
1919 ~~customers or clients.~~

1920           ~~[(6) Until January 1, 2020, the lieutenant governor, the secretary of the Senate, and the~~  
1921 ~~chief clerk of the House of Representatives shall ensure that blank conflict of interest~~  
1922 ~~disclosure forms are available on the Internet and at their offices.]~~

1923           ~~[(7) Until January 1, 2020, an individual described in Subsection (6) who receives a~~  
1924 ~~conflict of interest disclosure form or an amendment to a conflict of interest disclosure form~~  
1925 ~~under this section shall make each version of the form, and each amendment to the form,~~  
1926 ~~available to the public for the period of time described in Subsection (8), in the following~~  
1927 ~~manner:]~~

1928           ~~[(a) on the Internet; and]~~

1929           ~~[(b) at the office where the form or the amendment to the form was filed.]~~

1930           ~~[(8) The period of time that an individual described in Subsection (7) shall make each~~  
1931 ~~version of a conflict of interest disclosure form and each amendment to a conflict of interest~~  
1932 ~~disclosure form available to the public is:]~~

1933           ~~[(a) two years after the day on which the individual described in Subsection (7)~~

1934 receives the form, for a regulated officeholder in an office that has a normal term of two years  
1935 or less; or]

1936 [~~(b)~~ four years after the day on which the individual described in Subsection (7)  
1937 receives the form, for a regulated officeholder in an office that has a normal term of more than  
1938 two years.]

1939 [(9)] (8) The disclosure requirements described in this section do not prohibit a  
1940 regulated officeholder from voting or acting on any matter.

1941 [(10)] (9) A regulated officeholder may amend a conflict of interest disclosure  
1942 described in this part at any time.

1943 [(11)] (10) A regulated officeholder who violates the requirements of Subsection (1) is  
1944 guilty of a class B misdemeanor.

1945 [(12)] (11) (a) A regulated officeholder who intentionally or knowingly violates a  
1946 provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.

1947 (b) In addition to the criminal penalty described in Subsection [(12)] (11)(a), the  
1948 lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who  
1949 violates a provision of this section, other than Subsection (1).

1950 Section 20. Section **20A-11-1605** is amended to read:

1951 **20A-11-1605. Failure to file -- Penalties.**

1952 (1) Within 60 days after the day on which a regulated officeholder is required to file a  
1953 conflict of interest disclosure under Subsection **20A-11-1604(3)**[(a)(i), (b)(i), (c)(i), (d)(i),  
1954 (e)(i), or (f)(i)], (4) or (5), the lieutenant governor shall review each filed conflict of interest  
1955 disclosure to ensure that:

1956 (a) each regulated officeholder who is required to file a conflict of interest disclosure  
1957 has filed one; and

1958 (b) each conflict of interest disclosure contains the information required under Section  
1959 **20A-11-1604**.

1960 (2) The lieutenant governor shall take the action described in Subsection (3) if:

1961 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;

1962 (b) a filed conflict of interest disclosure does not comply with the requirements of  
1963 Section 20A-11-1604; or

1964 (c) the lieutenant governor receives a written complaint alleging a violation of Section  
1965 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and  
1966 giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor  
1967 determines that a violation occurred.

1968 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,  
1969 within five days after the day on which the lieutenant governor determines that a violation  
1970 occurred, notify the regulated officeholder of the violation and direct the regulated officeholder  
1971 to file an amended report correcting the problem.

1972 (4) (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of  
1973 interest disclosure within seven days after the day on which the regulated officeholder receives  
1974 the notice described in Subsection (3).

1975 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B  
1976 misdemeanor.

1977 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the  
1978 attorney general.

1979 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant  
1980 governor shall impose a civil fine of \$100 against a regulated officeholder who violates  
1981 Subsection (4)(a).

1982 (5) The lieutenant governor shall deposit a fine collected under this part into the  
1983 General Fund as a dedicated credit to pay for the costs of administering the provisions of this  
1984 part.

1985 Section 21. Section 20A-11-1706 is amended to read:

1986 **20A-11-1706. Penalties.**

1987 (1) The chief election officer shall impose a \$100 fine against an individual who fails  
1988 to file an independent expenditure report, that includes the information required for the report,  
1989 within the time period required by this part.

1990 (2) The chief election officer shall impose a \$1000 fine against a person who is not an  
1991 individual who fails to file an independent expenditure report, that includes the information  
1992 required for the report, within the time period required by this part.

1993 (3) The chief election officer shall deposit fines collected under this chapter ~~in~~ into  
1994 the General Fund.

1995 Section 22. Section **20A-12-303** is amended to read:

1996 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1997 (1) The judge or the judge's personal campaign committee shall deposit each  
1998 contribution in one or more separate personal campaign accounts in a financial institution.

1999 (2) The judge or the judge's personal campaign committee may not deposit or mingle  
2000 any contributions received into a personal or business account.

2001 (3) (a) As used in this Subsection (3) and Section **20A-12-305**, "received" means:

2002 (i) for a cash contribution, that the cash is given to a judge or the judge's personal  
2003 campaign committee;

2004 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
2005 instrument or check is negotiated; and

2006 (iii) for any other type of contribution, that any portion of the contribution's benefit  
2007 inures to the judge.

2008 (b) The judge or the judge's personal campaign committee shall report to the lieutenant  
2009 governor each contribution received by the judge, within 31 days after the day on which the  
2010 contribution is received.

2011 (c) For each contribution that a judge fails to report within the time period described in  
2012 Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an amount  
2013 equal to:

2014 (i) 10% of the amount of the contribution if the judge reports the contribution within  
2015 60 days after the day on which the time period described in Subsection (3)(b) ends; or

2016 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution  
2017 within 60 days after the day on which the time period described in Subsection (3)(b) ends.



2018 (d) The lieutenant governor shall:

2019 (i) deposit money received under Subsection (3)(c) into the General Fund; and

2020 (ii) report on the lieutenant governor's website, in the location where reports relating to

2021 each judge are available for public access:

2022 (A) each fine imposed by the lieutenant governor against the judge;

2023 (B) the amount of the fine;

2024 (C) the amount of the contribution to which the fine relates; and

2025 (D) the date of the contribution.

2026 (4) Within 31 days after receiving a contribution that is cash or a negotiable

2027 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal

2028 campaign committee shall disburse the amount of the contribution to~~[-(a) the treasurer of the~~

2029 ~~state or a political subdivision for deposit into the state's or political subdivision's general fund;~~

2030 ~~or (b)]~~ an organization that is exempt from federal income taxation under Section 501(c)(3),

2031 Internal Revenue Code.

2032 Section 23. Section **36-11-102** is amended to read:

2033 **36-11-102. Definitions.**

2034 As used in this chapter:

2035 (1) "Aggregate daily expenditures" means:

2036 (a) for a single lobbyist, principal, or government officer, the total of all expenditures

2037 made within a calendar day by the lobbyist, principal, or government officer for the benefit of

2038 an individual public official;

2039 (b) for an expenditure made by a member of a lobbyist group, the total of all

2040 expenditures made within a calendar day by every member of the lobbyist group for the benefit

2041 of an individual public official; or

2042 (c) for a multicient lobbyist, the total of all expenditures made by the multicient

2043 lobbyist within a calendar day for the benefit of an individual public official, regardless of

2044 whether the expenditures were attributed to different clients.

2045 (2) "Approved activity" means an event, a tour, or a meeting:

2046 (a) (i) to which a legislator or another nonexecutive branch public official is invited;

2047 and

2048 (ii) attendance at which is approved by:

2049 (A) the speaker of the House of Representatives, if the public official is a member of  
2050 the House of Representatives or another nonexecutive branch public official; or

2051 (B) the president of the Senate, if the public official is a member of the Senate or  
2052 another nonexecutive branch public official; or

2053 (b) (i) to which a public official who holds a position in the executive branch of state  
2054 government is invited; and

2055 (ii) attendance at which is approved by the governor or the lieutenant governor.

2056 (3) "Capitol hill complex" means the same as that term is defined in Section  
2057 [63C-9-102](#).

2058 (4) (a) "Compensation" means anything of economic value, however designated, that is  
2059 paid, loaned, granted, given, donated, or transferred to an individual for the provision of  
2060 services or ownership before any withholding required by federal or state law.

2061 (b) "Compensation" includes:

2062 (i) a salary or commission;

2063 (ii) a bonus;

2064 (iii) a benefit;

2065 (iv) a contribution to a retirement program or account;

2066 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue  
2067 Code, and subject to Social Security deductions, including a payment in excess of the  
2068 maximum amount subject to deduction under Social Security law;

2069 (vi) an amount that the individual authorizes to be deducted or reduced for salary  
2070 deferral or other benefits authorized by federal law; or

2071 (vii) income based on an individual's ownership interest.

2072 (5) "Compensation payor" means a person who pays compensation to a public official  
2073 in the ordinary course of business:

- 2074 (a) because of the public official's ownership interest in the compensation payor; or  
2075 (b) for services rendered by the public official on behalf of the compensation payor.  
2076 (6) "Event" means entertainment, a performance, a contest, or a recreational activity  
2077 that an individual participates in or is a spectator at, including a sporting event, an artistic  
2078 event, a play, a movie, dancing, or singing.
- 2079 (7) "Executive action" means:  
2080 (a) a nomination or appointment by the governor;  
2081 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule  
2082 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
2083 (c) agency ratemaking proceedings; or  
2084 (d) an adjudicative proceeding of a state agency.
- 2085 (8) (a) "Expenditure" means any of the items listed in this Subsection (8)(a) when  
2086 given to or for the benefit of a public official unless consideration of equal or greater value is  
2087 received:  
2088 (i) a purchase, payment, or distribution;  
2089 (ii) a loan, gift, or advance;  
2090 (iii) a deposit, subscription, or forbearance;  
2091 (iv) services or goods;  
2092 (v) money;  
2093 (vi) real property;  
2094 (vii) a ticket or admission to an event; or  
2095 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide  
2096 any item listed in Subsections (8)(a)(i) through (vii).
- 2097 (b) "Expenditure" does not mean:  
2098 (i) a commercially reasonable loan made in the ordinary course of business;  
2099 (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11,  
2100 Campaign and Financial Reporting Requirements;  
2101 (iii) printed informational material that is related to the performance of the recipient's

- 2102 official duties;
- 2103       (iv) a devise or inheritance;
- 2104       (v) any item listed in Subsection (8)(a) if:
- 2105           (A) given by a relative;
- 2106           (B) given by a compensation payor for a purpose solely unrelated to the public
- 2107 official's position as a public official;
- 2108           (C) the item is food or beverage with a value that does not exceed the food
- 2109 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed
- 2110 the food reimbursement rate; or
- 2111           (D) the item is not food or beverage, has a value of less than \$10, and the aggregate
- 2112 daily expenditures do not exceed \$10;
- 2113       (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
- 2114 following are invited:
- 2115           (A) all members of the Legislature;
- 2116           (B) all members of a standing or interim committee;
- 2117           (C) all members of an official legislative task force;
- 2118           (D) all members of a party caucus; or
- 2119           (E) all members of a group described in Subsections (8)(b)(vi)(A) through (D) who are
- 2120 attending a meeting of a national organization whose primary purpose is addressing general
- 2121 legislative policy;
- 2122       (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
- 2123 official who is:
- 2124           (A) giving a speech at the event, tour, or meeting;
- 2125           (B) participating in a panel discussion at the event, tour, or meeting; or
- 2126           (C) presenting or receiving an award at the event, tour, or meeting;
- 2127       (viii) a plaque, commendation, or award that:
- 2128           (A) is presented in public;
- 2129           (B) has the name of the individual receiving the plaque, commendation, or award

2130 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or  
2131 award;

2132 (ix) a gift that:

2133 (A) is an item that is not consumable and not perishable;

2134 (B) a public official accepts on behalf of the state;

2135 (C) the public official promptly remits to the state;

2136 (D) a property administrator does not reject under Section [63G-23-103](#);

2137 (E) does not constitute a direct benefit to the public official before or after the public  
2138 official remits the gift to the state; and

2139 (F) after being remitted to the state, is not transferred, divided, distributed, or used to  
2140 distribute a gift or benefit to one or more public officials in a manner that would otherwise  
2141 qualify the gift as an expenditure if the gift were given directly to a public official;

2142 (x) ~~[a publication having a]~~ any of the following with a cash value not exceeding  
2143 \$30~~[-]~~;

2144 (A) a publication; or

2145 (B) a commemorative item;

2146 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of  
2147 which is:

2148 (A) to solicit contributions reportable under:

2149 (I) Title 20A, Chapter 11, Campaign and Financial Reporting Requirements; or

2150 (II) 2 U.S.C. Sec. 434; or

2151 (B) charitable solicitation, as defined in Section [13-22-2](#);

2152 (xii) travel to, lodging at, food or beverage served at, and admission to an approved  
2153 activity;

2154 (xiii) sponsorship of an approved activity;

2155 (xiv) notwithstanding Subsection (8)(a)(vii), admission to, attendance at, or travel to or  
2156 from an event, a tour, or a meeting:

2157 (A) that is sponsored by a governmental entity; or

2158 (B) that is widely attended and related to a governmental duty of a public official; or  
2159 (xv) travel to a widely attended tour or meeting related to a governmental duty of a  
2160 public official if that travel results in a financial savings to the state.

2161 (9) "Food reimbursement rate" means the total amount set by the director of the  
2162 Division of Finance, by rule, under Section [63A-3-107](#), for in-state meal reimbursement, for an  
2163 employee of the executive branch, for an entire day.

2164 (10) (a) "Government officer" means:

2165 (i) an individual elected to a position in state or local government, when acting within  
2166 the government officer's official capacity; or

2167 (ii) an individual appointed to or employed in a full-time position by state or local  
2168 government, when acting within the scope of the individual's employment.

2169 (b) "Government officer" does not mean a member of the legislative branch of state  
2170 government.

2171 (11) "Immediate family" means:

2172 (a) a spouse;

2173 (b) a child residing in the household; or

2174 (c) an individual claimed as a dependent for tax purposes.

2175 (12) "Legislative action" means:

2176 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or  
2177 proposed in either house of the Legislature or its committees or requested by a legislator; and

2178 (b) the action of the governor in approving or vetoing legislation.

2179 (13) "Lobbying" means communicating with a public official for the purpose of  
2180 influencing the passage, defeat, amendment, or postponement of legislative or executive action.

2181 (14) (a) "Lobbyist" means:

2182 (i) an individual who is employed by a principal; or

2183 (ii) an individual who contracts for economic consideration, other than reimbursement  
2184 for reasonable travel expenses, with a principal to lobby a public official.

2185 (b) "Lobbyist" does not include:

- 2186 (i) a government officer;
- 2187 (ii) a member or employee of the legislative branch of state government;
- 2188 (iii) a person, including a principal, while appearing at, or providing written comments  
2189 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative  
2190 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;
- 2191 (iv) a person participating on or appearing before an advisory or study task force,  
2192 commission, board, or committee, constituted by the Legislature or any agency or department  
2193 of state government, except legislative standing, appropriation, or interim committees;
- 2194 (v) a representative of a political party;
- 2195 (vi) an individual representing a bona fide church solely for the purpose of protecting  
2196 the right to practice the religious doctrines of the church, unless the individual or church makes  
2197 an expenditure that confers a benefit on a public official;
- 2198 (vii) a newspaper, television station or network, radio station or network, periodical of  
2199 general circulation, or book publisher for the purpose of publishing news items, editorials,  
2200 other comments, or paid advertisements that directly or indirectly urge legislative or executive  
2201 action;
- 2202 (viii) an individual who appears on the individual's own behalf before a committee of  
2203 the Legislature or an agency of the executive branch of state government solely for the purpose  
2204 of testifying in support of or in opposition to legislative or executive action; or
- 2205 (ix) an individual representing a business, entity, or industry, who:
  - 2206 (A) interacts with a public official, in the public official's capacity as a public official,  
2207 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the  
2208 interaction or while presenting at a legislative committee meeting at the same time that the  
2209 registered lobbyist is attending another legislative committee meeting; and
  - 2210 (B) does not make an expenditure for, or on behalf of, a public official in relation to the  
2211 interaction or during the period of interaction.
- 2212 (15) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
2213 any combination of lobbyists, principals, and officers who each contribute a portion of an

2214 expenditure made to benefit a public official or member of the public official's immediate  
2215 family.

2216 (16) "Meeting" means a gathering of people to discuss an issue, receive instruction, or  
2217 make a decision, including a conference, seminar, or summit.

2218 (17) "Multiclient lobbyist" means a single lobbyist, principal, or government officer  
2219 who represents two or more clients and divides the aggregate daily expenditure made to benefit  
2220 a public official or member of the public official's immediate family between two or more of  
2221 those clients.

2222 (18) "Principal" means a person that employs an individual to perform lobbying, either  
2223 as an employee or as an independent contractor.

2224 (19) "Public official" means:

2225 (a) (i) a member of the Legislature;

2226 (ii) an individual elected to a position in the executive branch of state government; or

2227 (iii) an individual appointed to or employed in a position in the executive or legislative  
2228 branch of state government if that individual:

2229 (A) occupies a policymaking position or makes purchasing or contracting decisions;

2230 (B) drafts legislation or makes rules;

2231 (C) determines rates or fees; or

2232 (D) makes adjudicative decisions; or

2233 (b) an immediate family member of a person described in Subsection (19)(a).

2234 (20) "Public official type" means a notation to identify whether a public official is:

2235 (a) (i) a member of the Legislature;

2236 (ii) an individual elected to a position in the executive branch of state government;

2237 (iii) an individual appointed to or employed in a position in the legislative branch of  
2238 state government who meets the definition of public official under Subsection (19)(a)(iii); or

2239 (iv) an individual appointed to or employed in a position in the executive branch of  
2240 state government who meets the definition of public official under Subsection (19)(a)(iii); or

2241 (b) an immediate family member of a person described in Subsection (19)(a).



2242 (21) "Quarterly reporting period" means the three-month period covered by each  
2243 financial report required under Subsection 36-11-201(2)(a).

2244 (22) "Related person" means a person, agent, or employee who knowingly and  
2245 intentionally assists a lobbyist, principal, or government officer in lobbying.

2246 (23) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister,  
2247 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse  
2248 of any of these individuals.

2249 (24) "Tour" means visiting a location, for a purpose relating to the duties of a public  
2250 official, and not primarily for entertainment, including:

2251 (a) viewing a facility;

2252 (b) viewing the sight of a natural disaster; or

2253 (c) assessing a circumstance in relation to which a public official may need to take  
2254 action within the scope of the public official's duties.

2255 Section 24. **Effective date.**

2256 If approved by two-thirds of all the members elected to each house, this bill takes effect  
2257 upon approval by the governor, or the day following the constitutional time limit of Utah  
2258 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
2259 the date of veto override.