

## SB0092S03 compared with SB0092S02

~~{deleted text}~~ shows text that was in SB0092S02 but was deleted in SB0092S03.

inserted text shows text that was not in SB0092S02 but was inserted into SB0092S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Wayne A}~~Representative Norman K. ~~{Harper}~~Thurston proposes the following substitute bill:

### 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;

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- ▶ amends contribution reporting requirements for certain reporting entities;
- ▶ amends provisions relating to an anonymous campaign donation;~~†~~
- ~~requires the lieutenant governor to conduct certain studies relating to elections;~~ and
- ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

### **Other Special Clauses:**

None

### **Utah Code Sections Affected:**

#### **AMENDS:**

- 20A-9-201**, as last amended by Laws of Utah 2020, Chapter 22
- 20A-11-101**, as last amended by Laws of Utah 2020, Chapter 22
- 20A-11-101.3**, as enacted by Laws of Utah 2014, Chapter 18
- 20A-11-104**, as last amended by Laws of Utah 2019, Chapter 204
- 20A-11-201**, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-204**, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-206**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 20A-11-301**, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-303**, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-305**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 20A-11-403**, as last amended by Laws of Utah 2020, Chapter 22
- 20A-11-705**, as last amended by Laws of Utah 2018, Chapter 83
- 20A-11-801**, as last amended by Laws of Utah 2020, Chapter 22
- 20A-11-1301**, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-1303**, as last amended by Laws of Utah 2019, Chapter 74
- 20A-11-1602**, as last amended by Laws of Utah 2020, Chapter 344
- 20A-11-1602.5**, as enacted by Laws of Utah 2019, Chapter 266
- 20A-11-1603**, as last amended by Laws of Utah 2019, Chapter 266
- 20A-11-1604**, as last amended by Laws of Utah 2019, Chapter 266
- 20A-11-1605**, as last amended by Laws of Utah 2020, Chapter 22
- 20A-11-1706**, as enacted by Laws of Utah 2014, Chapter 60

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20A-12-303, as last amended by Laws of Utah 2018, Chapter 83

~~{ENACTS:~~

~~———— 67-1a-16, Utah Code Annotated 1953~~

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

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

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

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

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

state:

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

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

(i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;

(ii) appear on the ballot as the candidate of more than one political party; or

(iii) file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise in the registered political party's bylaws.

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

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

(iii) An individual may file a declaration of candidacy for lieutenant governor even if

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the individual filed a declaration of candidacy for another office in the same election year if the individual withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

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

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

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

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

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

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

(i) a United States citizen;

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

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

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

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

(i) a United States citizen;

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

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

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

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

(i) is a United States citizen;

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

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

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

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

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

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

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

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

(5) If an individual who files a declaration of candidacy meets the requirements

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described in Subsection (3), the filing officer shall:

(a) inform the individual that:

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

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

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

(A) Section 20A-11-204 for a candidate for constitutional office;

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

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

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

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

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

(i) signing the pledge is voluntary; and

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

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

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

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

(a) accept the candidate's pledge; and

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

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member.

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

(i) be substantially as follows:

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

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

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

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

(ii) require the candidate to state, in the sworn statement described in Subsection

(7)(a)(i):

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

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

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

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

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

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

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

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(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

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

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

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

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

(B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).

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

"Affidavit of Impecuniosity

Individual Name

\_\_\_\_\_ Address \_\_\_\_\_

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

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



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

Affiant

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

\_\_\_\_\_  
(signature)

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

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

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

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

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

(10) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy.

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

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

As used in this chapter:

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

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

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

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

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

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

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

(e) a political consultant of a reporting entity.

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

(4) "Candidate" means any person who:

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

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

(5) "Chief election officer" means:

(a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and

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

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

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

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

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

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

(v) remuneration from:

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

or

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

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

(vii) in-kind contributions.

(b) "Contribution" does not include:

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

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

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

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

(a) with the political entity's prior knowledge, if the political entity does not object;

(b) by agreement with the political entity;

(c) in coordination with the political entity; or

(d) using official logos, slogans, and similar elements belonging to a political entity.

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

(i) the purpose of expressly advocating for political purposes; or

(ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.

(b) "Corporation" does not mean:

(i) a business organization's political action committee or political issues committee; or

(ii) a business entity organized as a partnership or a sole proprietorship.

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

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

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(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

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

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

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

(b) for each expenditure:

(i) the amount of the expenditure;

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

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

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

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

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

(13) "Election" means each:

(a) regular general election;

(b) regular primary election; and

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

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

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

(b) clearly identifies a candidate or judge; and

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

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

(i) any disbursement from contributions, receipts, or from the separate bank account

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required by this chapter;

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

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

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

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

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

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

(b) "Expenditure" does not include:

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

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

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

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

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

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

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

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

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

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

(23) "Individual" means a natural person.

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

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

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

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

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

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

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

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

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

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

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

(d) use of any line of credit.

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

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

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

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

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

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

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

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

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

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

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

(i) a party committee;

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

(iii) an individual;

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

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

(vi) a personal campaign committee.

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

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political advice to the reporting entity.

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

- (i) has already been paid, with money or other consideration;
- (ii) expects to be paid in the future, with money or other consideration; or
- (iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.

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

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

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

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

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

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

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

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

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

(iii) an individual;

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

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



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(vi) a group of individuals who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(41) (a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the

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reporting entity:

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

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

(b) judge standing for retention at any election.

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

(b) "Poll" does not include:

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- (i) a ballot; or
- (ii) an interview of a focus group that is conducted, in person, by one individual, if:
  - (A) the focus group consists of more than three, and less than thirteen, individuals; and
  - (B) all individuals in the focus group are present during the interview.

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

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

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

(47) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

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

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

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

(i) anything provided by the state;

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

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

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

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

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officeholder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(56) (a) "Source" means the person or entity that is the legal owner of the tangible or

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intangible asset that comprises the contribution.

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

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

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

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

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

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

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

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

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

(1) As used in this section:

(a) "Advertising" includes:

(i) website development and maintenance;

(ii) social media;

(iii) television, newspaper, or radio; or

(iv) a convention booth.

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

(i) a political association; or

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

(c) "Campaign Expense" includes:

(i) district mapping;

(ii) voter data;

(iii) a phone bank;

(iv) fund-raising expenses;

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(v) campaign assistance or consulting;

(vi) campaign technology;

(vii) campaign management;

(viii) campaign interns; or

(ix) food, and related expenses, purchased:

(A) for a campaign event; or

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

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

(e) "Loans" includes repaying loans.

(f) "Office expense" includes:

(i) an email server;

(ii) phones;

(iii) phone service;

(iv) computers;

(v) printers;

(vi) furniture;

(vii) tools and hardware; or

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

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

(h) "Supplies" includes:

(i) signs;

(ii) sign holders;

(iii) parade supplies;

(iv) t-shirts;

(v) other campaign goods;

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

(vii) printed materials; or

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(viii) postage.

(i) "Travel expenses" includes:

(i) political conference registration;

(ii) airfare;

(iii) hotels;

(iv) food, and related expenses, purchased for consumption during travel;

(v) vehicle mileage reimbursement; or

(vi) incidental expenses while traveling.

(2) As it relates to an expenditure, a detailed listing includes identifying the expenditure as falling within one of the following categories:

(a) advertising;

(b) association expense;

(c) campaign expense;

(d) constituent services;

(e) donations;

(~~f~~) loans;

(~~f~~) office;

(~~g~~) political support;

(~~h~~) return of a contribution;

(~~i~~) signature gathering;

(~~j~~) supplies;

(~~k~~) travel expenses; or

(~~l~~) other expenditures that do not fall within a category described in Subsections

(2)(a) through (~~k~~), followed by a description of the expenditure.

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

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

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

(1) (a) As used in this chapter, "personal use expenditure" means an expenditure that:

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(i) (A) is not excluded from the definition of personal use expenditure by Subsection (2); and

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

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

(b) "Personal use expenditure" includes:

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

(ii) a household food item or supply;

~~[(iii) clothing, except for clothing:]~~

(iii) a clothing expense, except:

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

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

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

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

(vi) a salary payment made to:

(A) a candidate or officeholder; or

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

(vii) a vacation;

(viii) a vehicle expense;

(ix) a meal expense;

(x) a travel expense;

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

(xii) a satisfaction of a personal debt;

(xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;

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



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

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

(a) for a political purpose;

(b) for candidacy for public office;

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

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

(e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;

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

(g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:

(i) (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or

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

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

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

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

(A) served at a campaign event;

(B) served at a charitable event;

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

(D) consumed, or provided to others, by an officeholder while the officeholder is acting in the capacity of an officeholder; or

(E) provided as a gift to an individual who works on a candidate's campaign or who assists an officeholder in the officeholder's capacity as an officeholder;

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

(iv) a travel expense of an individual assisting a candidate, if the primary purpose of

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the travel by the individual is to assist the candidate with the candidate's campaign, including an expense described in Subsection (2)(g)(iii);

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

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

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

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

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

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

(A) rent;

(B) utilities;

(C) a supply; or

(D) furnishing;

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

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

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

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

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

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

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

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

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

(n) to pay childcare expenses of:

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

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

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

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

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

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

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

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

(c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in the General Fund.

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

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

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

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

(i) a personal use expenditure; or

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(ii) an expenditure prohibited by law.

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

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

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The lieutenant governor shall:

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

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

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

(B) the amount of the fine;

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

(D) the date of the contribution.

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

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

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

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

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

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

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

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

(1) As used in this section:

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

(b) "Received" means:

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

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

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

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

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

(C) thirty-one days after the day on which the direct deposit occurs; or

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

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

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

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

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

(c) September 30; and

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

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

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(a) shall file an interim report:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) a detailed listing of:

(i) for a state office candidate, each contribution received since the last summary report



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

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

(e) for each nonmonetary contribution:

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

(ii) a specific description of the contribution;

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

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

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

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

(i) beginning balance;

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

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

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

(v) total expenditures to date; and

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

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

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

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

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

(1) A state office candidate who fails to file a financial statement before the deadline is

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subject to a fine imposed in accordance with Section 20A-11-1005.

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

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

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

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

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

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

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

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

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

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

(a) the state office candidate timely files the reports described in Subsections 20A-11-204~~(1)~~(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;

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

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and

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

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

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

and

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

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

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

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

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

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

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

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

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

## **SB0092S03 compared with SB0092S02**

(ii) A legislative office candidate may:

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

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

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

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

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

(ii) A legislative officeholder may:

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

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

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

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

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

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

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

(4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a legislative office candidate may not expend or transfer the money in a campaign

## SB0092S03 compared with SB0092S02

account in a manner that would cause the former legislative office candidate to recognize the money as taxable income under federal tax law.

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

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

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

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

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

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

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

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

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

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

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

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

(i) 10% of the amount of the contribution, if the legislative office candidate reports the

## SB0092S03 compared with SB0092S02

contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or

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

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

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

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

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

(e) The lieutenant governor shall:

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

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

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

(B) the amount of the fine;

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

(D) the date of the contribution.

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

## SB0092S03 compared with SB0092S02

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

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

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

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

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

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

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

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

(1) As used in this section:

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

(b) "Received" means:

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

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

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

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

## SB0092S03 compared with SB0092S02

of the deposit;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) shall file an interim report:~~

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



## SB0092S03 compared with SB0092S02

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

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

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

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

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

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

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

(d) a detailed listing of:

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

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

(e) for each nonmonetary contribution:

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

(ii) a specific description of the contribution;

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

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

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

## SB0092S03 compared with SB0092S02

- (i) a summary page in the form required by the lieutenant governor that identifies:
  - (i) beginning balance;
  - (ii) total contributions and public service assistance received during the period since the last statement;
  - (iii) total contributions and public service assistance received to date;
  - (iv) total expenditures during the period since the last statement; and
  - (v) total expenditures to date; and
- (j) the name of a political action committee for which the legislative office candidate or legislative officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

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

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

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

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

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

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

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

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

## SB0092S03 compared with SB0092S02

after the deadline for filing the report.

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

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

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

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

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

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

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

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

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

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

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

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

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

## SB0092S03 compared with SB0092S02

violation or receipt of a written complaint, notify the legislative office candidate of the violation or written complaint and direct the legislative office candidate to file a summary report correcting the problem.

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

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

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

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

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

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

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

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

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

- (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
- (b) within five days of discovery of a violation or receipt of a written complaint, notify the officeholder of the violation or written complaint and direct the officeholder to file a summary report correcting the problem.

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

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

## SB0092S03 compared with SB0092S02

misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

## **SB0092S03 compared with SB0092S02**

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

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

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

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

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

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

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

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

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

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

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

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

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

**20A-11-801. Political issues committees -- Registration -- Criminal penalty for**

## **SB0092S03 compared with SB0092S02**

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

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

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

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

- (i) receives political issues contributions totaling at least \$750; or
- (ii) distributes political issues expenditures totaling at least \$750.

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

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

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

(3) The statement of organization shall include:

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

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

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

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

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

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

## **SB0092S03 compared with SB0092S02**

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

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

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

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

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

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

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

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

(b) A political issues committee shall:

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

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

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

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



## SB0092S03 compared with SB0092S02

contribution from a corporation that:

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

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

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

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

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

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

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

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

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

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

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

(d) The lieutenant governor shall:

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

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

## SB0092S03 compared with SB0092S02

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

(B) the amount of the fine;

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

(D) the date of the contribution.

Section 14. Section **20A-11-1301** is amended to read:

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

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

(ii) A school board office candidate may:

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

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

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

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

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

(ii) A school board officeholder may:

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

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

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

## SB0092S03 compared with SB0092S02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The chief election officer shall:

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

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

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

(B) the amount of the fine;

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- (C) the amount of the contribution to which the fine relates; and
- (D) the date of the contribution.

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

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

- (i) that is not described in Subsection (1)(a)(i); and
- (ii) into which or from which a person who, as a candidate for an office, other than a school board office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a school board office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

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

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

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

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

- (1) (a) As used in this section, "received" means:
- (i) for a cash contribution, that the cash is given to a school board office candidate or a member of the school board office candidate's personal campaign committee;
  - (ii) for a contribution that is a check or other negotiable instrument, that the check or other negotiable instrument is negotiated; [~~or~~]
  - (iii) for a direct deposit made into a campaign account by a person not associated with

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the campaign, the earlier of:

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

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

(C) thirty-one days after the day on which the direct deposit occurs; or

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

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

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

(i) May 15;

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

(iii) September 30; and

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

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

~~[(i) May 15;]~~

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

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

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

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

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

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

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

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

(d) a detailed listing of:

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

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

(e) for each nonmonetary contribution:

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

(ii) a specific description of the contribution;

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

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

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

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

(i) beginning balance;

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

(iii) total contributions to date;

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

(v) total expenditures to date; and

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

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

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

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

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

As used in this part:

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

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

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

(4) "Filing officer" means:

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

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

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

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

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



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decisions for:

- (i) the entity or a portion of the entity; or
- (ii) an employee, agent, or independent contractor of the entity.
- (b) "Owner or officer" includes:
  - (i) a member of a board of directors or other governing body of an entity; or
  - (ii) a partner in any type of partnership.
- (8) "Preceding year" means the year immediately preceding the day on which the

regulated officeholder makes a conflict of interest disclosure.

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

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

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

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

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

#### **Website.**

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

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

- (a) permit a candidate or officeholder to securely access the website for the purpose of:
  - (i) complying with the conflict of interest disclosure requirements described in this

part; and

- (ii) editing conflict of interest disclosures;

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

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

~~[(3) No sooner than January 1, 2020, and before January 11, 2020, each individual who is required to make a conflict of interest disclosure under this part shall, regardless of whether the individual has already made a conflict of interest disclosure by a means other than the~~

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~~website, make a complete and updated conflict of interest disclosure on the website using the secure access described in Subsection (2)(a).]~~

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

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

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

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

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

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

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

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

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

(ii) already, that same year, filed the conflict of interest disclosure for the office described in Subsection (1)(b)(i), in accordance Section 20A-11-1604; and

(iii) at the time the candidate files the declaration of candidacy, indicates, in writing, that the conflict of interest disclosure described in Subsection (1)(b)(ii) is updated and accurate as of the date of filing the declaration of candidacy.

(2) ~~[A]~~ Except as provided in Subsection (1)(b), a filing officer may not accept a declaration of candidacy for an office listed in Subsection (1)(a) until the candidate makes a complete conflict of interest disclosure on the website.

(3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the same requirements and shall be in the same format as the conflict of interest disclosure described in Section 20A-11-1604.

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

~~[(a) make each financial disclosure form that the filing officer receives available for public inspection at the filing officer's place of business; and]~~

~~[(b) if the filing officer is not the lieutenant governor, provide each financial disclosure form to the lieutenant governor within one business day after the day on which the candidate files the financial disclosure form.]~~

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~~[(5) Until January 1, 2020, the lieutenant governor shall make each financial disclosure form that the lieutenant governor receives available to the public.]~~

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

~~[(b) on the Statewide Electronic Voter Information Website administered by the lieutenant governor.]~~

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

(4) The lieutenant governor shall make the complete conflict of interest disclosure made by each candidate available for public inspection on the website.

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

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

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

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

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

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

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

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

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

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

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

~~[(B) if the state constitutional officer takes office after January 10, within 10 days after the day on which the state constitutional officer takes office; and]~~

~~[(ii) each time the state constitutional officer changes employment:]~~

~~[(b) Beginning on January 1, 2020, a]~~

(3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:

(a) (i) [(A)] no sooner than January 1 each year, and before January 11 each year; or

[(B)] (ii) if the state constitutional officer takes office after January 10, within 10 days after the day on which the state constitutional officer takes office; and

[(ii)] (b) each time the state constitutional officer changes employment.

~~[(c) Until January 1, 2020, a legislator shall file a financial disclosure form:]~~

~~[(i)(A) on the first day of each general session of the Legislature; or]~~

~~[(B) if the legislator takes office after the first day of the general session of the Legislature, within 10 days after the day on which the legislator takes office; and]~~

~~[(ii) each time the legislator changes employment:]~~

~~[(d) Beginning on January 1, 2020, a]~~

(4) A legislator shall make a complete conflict of interest disclosure on the website:

(a) (i) [(A)] no sooner than January 1 each year, and before January 11 each year; or

[(B)] (ii) if the legislator takes office after January 10, within 10 days after the day on which the legislator takes office; and

[(ii)] (b) each time the legislator changes employment.

~~[(c) Until January 1, 2020, a member of the State Board of Education shall file a financial disclosure form:]~~

~~[(i)(A) on January 10 of each year, or the following business day if the due date falls on a weekend or holiday; or]~~

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~~[(B) if the member takes office after January 10, within 10 days after the day on which the member takes office; and]~~

~~[(ii) each time the member changes employment.]~~

~~[(f) Beginning on January 1, 2020, a]~~

(5) A member of the State Board of Education shall make a complete conflict of interest disclosure on the website:

(a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or

~~[(B)]~~ (ii) if the member takes office after January 10, within 10 days after the day on which the member takes office; and

~~[(iii)]~~ (b) each time the member changes employment.

~~[(4) The]~~

(6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:

(a) the regulated officeholder's name;

(b) the name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year;

(c) for each employer described in Subsection ~~[(4)]~~ (6)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;

(d) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:

(i) the name of the entity;

(ii) a brief description of the type of business or activity conducted by the entity; and

(iii) the regulated officeholder's position in the entity;

(e) in accordance with Subsection ~~[(5)(b)]~~ (7), for each individual from whom, or entity from which, the regulated officeholder has received \$5,000 or more in income during the preceding year:

(i) the name of the individual or entity; and

(ii) a brief description of the type of business or activity conducted by the individual or entity;

(f) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market value of \$5,000 or more as of the date of the disclosure form or during the

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preceding year, but excluding funds that are managed by a third party, including blind trusts, managed investment accounts, and mutual funds:

- (i) the name of the entity; and
- (ii) a brief description of the type of business or activity conducted by the entity;
- (g) for each entity not listed in Subsections ~~[(4)]~~ (6)(d) through (f) in which the

regulated officeholder currently serves, or served in the preceding year, on the board of directors or in any other type of paid leadership capacity:

- (i) the name of the entity or organization;
- (ii) a brief description of the type of business or activity conducted by the entity; and
- (iii) the type of advisory position held by the regulated officeholder;
- (h) at the option of the regulated officeholder, a description of any real property in

which the regulated officeholder holds an ownership or other financial interest that the regulated officeholder believes may constitute a conflict of interest, including a description of the type of interest held by the regulated officeholder in the property;

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

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

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

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

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

(m) the date the form was completed;

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

(o) the signature of the regulated officeholder.

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

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

~~[(ii) the chief clerk of the House of Representatives, if the regulated officeholder is a~~

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~~member of the House of Representatives; or]~~

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

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

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

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

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

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

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

~~[(a) two years after the day on which the individual described in Subsection (7) receives the form, for a regulated officeholder in an office that has a normal term of two years or less; or]~~

~~[(b) four years after the day on which the individual described in Subsection (7) receives the form, for a regulated officeholder in an office that has a normal term of more than two years.]~~

~~[(9)] (8) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.~~

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~~[(10)]~~ (9) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.

~~[(11)]~~ (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.

~~[(12)]~~ (11) (a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.

(b) In addition to the criminal penalty described in Subsection ~~[(12)]~~ (11)(a), the lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this section, other than Subsection (1).

Section 20. Section **20A-11-1605** is amended to read:

### **20A-11-1605. Failure to file -- Penalties.**

(1) Within 60 days after the day on which a regulated officeholder is required to file a conflict of interest disclosure under Subsection 20A-11-1604(3)~~[(a)(i), (b)(i), (c)(i), (d)(i), (e)(i), or (f)(i)]~~, (4) or (5), the lieutenant governor shall review each filed conflict of interest disclosure to ensure that:

(a) each regulated officeholder who is required to file a conflict of interest disclosure has filed one; and

(b) each conflict of interest disclosure contains the information required under Section 20A-11-1604.

(2) The lieutenant governor shall take the action described in Subsection (3) if:

(a) a regulated officeholder has failed to timely file a conflict of interest disclosure;

(b) a filed conflict of interest disclosure does not comply with the requirements of Section 20A-11-1604; or

(c) the lieutenant governor receives a written complaint alleging a violation of Section 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor determines that a violation occurred.

(3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall, within five days after the day on which the lieutenant governor determines that a violation occurred, notify the regulated officeholder of the violation and direct the regulated officeholder to file an amended report correcting the problem.



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(4) (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of interest disclosure within seven days after the day on which the regulated officeholder receives the notice described in Subsection (3).

(b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B misdemeanor.

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

(d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$100 against a regulated officeholder who violates Subsection (4)(a).

(5) The lieutenant governor shall deposit a fine collected under this part into the General Fund as a dedicated credit to pay for the costs of administering the provisions of this part.

Section 21. Section **20A-11-1706** is amended to read:

### **20A-11-1706. Penalties.**

(1) The chief election officer shall impose a \$100 fine against an individual who fails to file an independent expenditure report, that includes the information required for the report, within the time period required by this part.

(2) The chief election officer shall impose a \$1000 fine against a person who is not an individual who fails to file an independent expenditure report, that includes the information required for the report, within the time period required by this part.

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

Section 22. Section **20A-12-303** is amended to read:

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

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

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

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

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

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campaign committee;

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

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

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

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

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

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

(d) The lieutenant governor shall:

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

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

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

(B) the amount of the fine;

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

(D) the date of the contribution.

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

~~{ Section 23. Section 67-1a-16 is enacted to read:~~

~~67-1a-16. Studies by lieutenant governor -- Reporting.~~

## SB0092S03 compared with SB0092S02

~~—— (1) The lieutenant governor shall conduct a study relating to actions that could be taken to ensure that individuals with a disability and elderly individuals have the same opportunity as other voters to vote, including:~~

~~—— (a) the feasibility of using web-based or mobile online voting;~~

~~—— (b) the feasibility of using electronic ballots and electronic signatures;~~

~~—— (c) methods of making vote-by-mail more accessible; and~~

~~—— (d) other methods of permitting a voter to independently cast an accessible, secret ballot from home.~~

~~—— (2) The lieutenant governor shall conduct a study on:~~

~~—— (a) the most effective and lowest cost methods of verifying a voter's current residence and eligibility to vote in an election; and~~

~~—— (b) the feasibility of offering web-based or mobile online voting to all voters.~~

~~—— (3) No later than July 1, 2022, the lieutenant governor shall present the results of the studies described in this section, and any recommendations based on the studies, to the Government Operations Interim Committee.~~

~~—— (4) No later than February 15, 2023, the lieutenant governor shall present the results of the study described in Subsection (1), and any recommendations based on the study, to the Infrastructure and General Government Appropriations Subcommittee.~~

‡