

Representative Jeffrey D. Stenquist proposes the following substitute bill:

ELECTIONS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Norman K. Thurston

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;
- ▶ removes interim reporting requirements for certain state office candidates and state officeholders;
- ▶ amends contribution reporting requirements for certain reporting entities;
- ▶ amends provisions relating to an anonymous campaign donation; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **20A-9-201**, as last amended by Laws of Utah 2020, Chapter 22
- 31 **20A-11-101**, as last amended by Laws of Utah 2020, Chapter 22
- 32 **20A-11-101.3**, as enacted by Laws of Utah 2014, Chapter 18
- 33 **20A-11-103**, as last amended by Laws of Utah 2016, Chapter 16
- 34 **20A-11-104**, as last amended by Laws of Utah 2019, Chapter 204
- 35 **20A-11-201**, as last amended by Laws of Utah 2019, Chapter 74
- 36 **20A-11-203**, as last amended by Laws of Utah 2019, Chapter 74
- 37 **20A-11-204**, as last amended by Laws of Utah 2019, Chapter 74
- 38 **20A-11-205**, as last amended by Laws of Utah 2013, Chapter 170
- 39 **20A-11-206**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 40 **20A-11-301**, as last amended by Laws of Utah 2019, Chapter 74
- 41 **20A-11-302**, as last amended by Laws of Utah 2019, Chapter 74
- 42 **20A-11-303**, as last amended by Laws of Utah 2019, Chapter 74
- 43 **20A-11-304**, as last amended by Laws of Utah 2013, Chapter 170
- 44 **20A-11-305**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 45 **20A-11-403**, as last amended by Laws of Utah 2020, Chapter 22
- 46 **20A-11-705**, as last amended by Laws of Utah 2018, Chapter 83
- 47 **20A-11-801**, as last amended by Laws of Utah 2020, Chapter 22
- 48 **20A-11-1301**, as last amended by Laws of Utah 2019, Chapter 74
- 49 **20A-11-1302**, as last amended by Laws of Utah 2019, Chapter 74
- 50 **20A-11-1303**, as last amended by Laws of Utah 2019, Chapter 74
- 51 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355
- 52 **20A-11-1305**, as last amended by Laws of Utah 2020, Chapters 22 and 31
- 53 **20A-11-1602**, as last amended by Laws of Utah 2020, Chapter 344
- 54 **20A-11-1602.5**, as enacted by Laws of Utah 2019, Chapter 266
- 55 **20A-11-1603**, as last amended by Laws of Utah 2019, Chapter 266
- 56 **20A-11-1604**, as last amended by Laws of Utah 2019, Chapter 266

57 [20A-11-1605](#), as last amended by Laws of Utah 2020, Chapter 22
58 [20A-11-1706](#), as enacted by Laws of Utah 2014, Chapter 60
59 [20A-12-303](#), as last amended by Laws of Utah 2018, Chapter 83



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

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

63 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
64 **more than one political party prohibited with exceptions -- General filing and form**
65 **requirements -- Affidavit of impecuniosity.**

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

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

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

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

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

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

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

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

88 the individual filed a declaration of candidacy for another office in the same election year if the
89 individual withdraws as a candidate for the other office in accordance with Subsection
90 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

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

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

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

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

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

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

105 (i) a United States citizen;

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

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

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

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

116 (i) a United States citizen;

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

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

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

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

128 (i) is a United States citizen;

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

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

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

134 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
135 53-13-103; and

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

138 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
139 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
140 Education member, the filing officer shall ensure[~~-(+)~~] that the individual filing the declaration
141 of candidacy also makes the conflict of interest disclosure [~~required by~~] described in Section
142 20A-11-1603[~~; and~~].

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

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

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

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

151 (a) inform the individual that:

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

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

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

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

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

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

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

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

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

170 (i) signing the pledge is voluntary; and

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

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

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

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

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

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

181 member.

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

184 (i) be substantially as follows:

185 "State of Utah, County of ____

186 I, _____, declare my candidacy for the office of _____, seeking the

187 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to

188 hold the office, both legally and constitutionally, if selected; I reside at _____

189 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not

190 knowingly violate any law governing campaigns and elections; if filing via a designated

191 agent, I will be out of the state of Utah during the entire candidate filing period; I will

192 file all campaign financial disclosure reports as required by law; and I understand that

193 failure to do so will result in my disqualification as a candidate for this office and

194 removal of my name from the ballot. The mailing address that I designate for receiving

195 official election notices is _____.

196 _____

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

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

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

200 (7)(a)(i):

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

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

203 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of

204 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

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

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

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

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

212 (i) who is disqualified; or
 213 (ii) who the filing officer determines has filed improperly.
 214 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
 215 from candidates.

216 (ii) The lieutenant governor shall:
 217 (A) apportion to and pay to the county treasurers of the various counties all fees
 218 received for filing of nomination certificates or acceptances; and

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

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

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

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

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

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

236 "Affidavit of Impecuniosity
 237 Individual Name _____
 238 _____ Address _____
 239 Phone Number _____

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

243 Date _____ Signature _____

244 Affiant

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

246 _____

247 (signature)

248 Name and Title of Officer Authorized to Administer Oath _____".

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

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

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

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

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

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

263 **20A-11-101. Definitions.**

264 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

286 (5) "Chief election officer" means:

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

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

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

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

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

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

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

301 (v) remuneration from:

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

303 or

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

305 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
306 (vii) in-kind contributions.
307 (b) "Contribution" does not include:
308 (i) services provided by individuals volunteering a portion or all of their time on behalf
309 of the filing entity if the services are provided without compensation by the filing entity or any
310 other person;
311 (ii) money lent to the filing entity by a financial institution in the ordinary course of
312 business; or
313 (iii) goods or services provided for the benefit of a political entity at less than fair
314 market value that are not authorized by or coordinated with the political entity.
315 (7) "Coordinated with" means that goods or services provided for the benefit of a
316 political entity are provided:
317 (a) with the political entity's prior knowledge, if the political entity does not object;
318 (b) by agreement with the political entity;
319 (c) in coordination with the political entity; or
320 (d) using official logos, slogans, and similar elements belonging to a political entity.
321 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
322 organization that is registered as a corporation or is authorized to do business in a state and
323 makes any expenditure from corporate funds for:
324 (i) the purpose of expressly advocating for political purposes; or
325 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
326 proposition.
327 (b) "Corporation" does not mean:
328 (i) a business organization's political action committee or political issues committee; or
329 (ii) a business entity organized as a partnership or a sole proprietorship.
330 (9) "County political party" means, for each registered political party, all of the persons
331 within a single county who, under definitions established by the political party, are members of
332 the registered political party.
333 (10) "County political party officer" means a person whose name is required to be
334 submitted by a county political party to the lieutenant governor in accordance with Section
335 [20A-8-402](#).

- 336 (11) "Detailed listing" means:
- 337 (a) for each contribution or public service assistance:
- 338 (i) the name and address of the individual or source making the contribution or public
- 339 service assistance, except to the extent that the name or address of the individual or source is
- 340 unknown;
- 341 (ii) the amount or value of the contribution or public service assistance; and
- 342 (iii) the date the contribution or public service assistance was made; and
- 343 (b) for each expenditure:
- 344 (i) the amount of the expenditure;
- 345 [~~(ii) the person or entity to whom it was disbursed;~~]
- 346 [(~~iii~~) (ii) the [~~specific purpose, item, or service~~] goods or services acquired by the
- 347 expenditure; and
- 348 [(~~iv~~) (iii) the date the expenditure was made.
- 349 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
- 350 for membership in the corporation, to a corporation without receiving full and adequate
- 351 consideration for the money.
- 352 (b) "Donor" does not include a person that signs a statement that the corporation may
- 353 not use the money for an expenditure or political issues expenditure.
- 354 (13) "Election" means each:
- 355 (a) regular general election;
- 356 (b) regular primary election; and
- 357 (c) special election at which candidates are eliminated and selected.
- 358 (14) "Electioneering communication" means a communication that:
- 359 (a) has at least a value of \$10,000;
- 360 (b) clearly identifies a candidate or judge; and
- 361 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 362 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 363 identified candidate's or judge's election date.
- 364 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
- 365 agent of a reporting entity on behalf of the reporting entity:
- 366 (i) any disbursement from contributions, receipts, or from the separate bank account

367 required by this chapter;

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

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

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

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

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

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

380 (b) "Expenditure" does not include:

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

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

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

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

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

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

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

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

401 (21) "Incorporation election" means the election conducted under Section 10-2a-210 or
402 10-2a-404.

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

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

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

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

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

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

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

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

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

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

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

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

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

426 (d) use of any line of credit.

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

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

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

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

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

437 (34) "Personal use expenditure" has the same meaning as provided under Section
438 20A-11-104.

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

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

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

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

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

449 (i) a party committee;

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

452 (iii) an individual;

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

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

457 (vi) a personal campaign committee.

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

460 political advice to the reporting entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

486 (iii) an individual;

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

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

491 (vi) a group of individuals who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

522 reporting entity:

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

525 (A) a ballot proposition; or

526 (B) an incorporation petition or incorporation election;

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

529 (A) a ballot proposition; or

530 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

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

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

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

552 (b) "Poll" does not include:

- 553 (i) a ballot; or
- 554 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 555 (A) the focus group consists of more than three, and less than thirteen, individuals; and
- 556 (B) all individuals in the focus group are present during the interview.
- 557 (44) "Primary election" means any regular primary election held under the election
- 558 laws.
- 559 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
- 560 sharing a common occupation, interest, or association that contribute to a political action
- 561 committee or political issues committee and whose names can be obtained by contacting the
- 562 political action committee or political issues committee upon whose financial statement the
- 563 individuals are listed.
- 564 (46) "Public office" means the office of governor, lieutenant governor, state auditor,
- 565 state treasurer, attorney general, state school board member, state senator, state representative,
- 566 speaker of the House of Representatives, president of the Senate, and the leader, whip, and
- 567 assistant whip of any party caucus in either house of the Legislature.
- 568 (47) (a) "Public service assistance" means the following when given or provided to an
- 569 officeholder to defray the costs of functioning in a public office or aid the officeholder to
- 570 communicate with the officeholder's constituents:
- 571 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
- 572 money or anything of value to an officeholder; or
- 573 (ii) goods or services provided at less than fair market value to or for the benefit of the
- 574 officeholder.
- 575 (b) "Public service assistance" does not include:
- 576 (i) anything provided by the state;
- 577 (ii) services provided without compensation by individuals volunteering a portion or all
- 578 of their time on behalf of an officeholder;
- 579 (iii) money lent to an officeholder by a financial institution in the ordinary course of
- 580 business;
- 581 (iv) news coverage or any publication by the news media; or
- 582 (v) any article, story, or other coverage as part of any regular publication of any
- 583 organization unless substantially all the publication is devoted to information about the

584 officeholder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

615 intangible asset that comprises the contribution.

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

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

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

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

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

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

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

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

631 **20A-11-101.3. Detailed listing and report requirements -- Rulemaking authority.**

632 (1) As used in this section:

633 (a) "Advertising" includes:

634 (i) website development and maintenance;

635 (ii) social media;

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

637 (iv) a convention booth.

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

639 (i) a political association; or

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

641 (c) "Campaign Expense" includes:

642 (i) district mapping;

643 (ii) voter data;

644 (iii) a phone bank;

645 (iv) fund-raising expenses;

- 646 (v) campaign assistance or consulting;
- 647 (vi) campaign technology;
- 648 (vii) campaign management;
- 649 (viii) campaign interns; or
- 650 (ix) food, and related expenses, purchased:
- 651 (A) for a campaign event; or
- 652 (B) for consumption by a candidate or campaign staff while conducting work relating
- 653 to a campaign.
- 654 (d) "Donations" includes giving to a charitable organization.
- 655 (e) "Loans" includes repaying loans.
- 656 (f) "Office expense" includes:
- 657 (i) an email server;
- 658 (ii) phones;
- 659 (iii) phone service;
- 660 (iv) computers;
- 661 (v) printers;
- 662 (vi) furniture;
- 663 (vii) tools and hardware; or
- 664 (viii) food, and related expenses, purchased for consumption during an officeholder
- 665 activity.
- 666 (g) "Political support" includes contributions made to other candidates or political
- 667 action committees.
- 668 (h) "Supplies" includes:
- 669 (i) signs;
- 670 (ii) sign holders;
- 671 (iii) parade supplies;
- 672 (iv) t-shirts;
- 673 (v) other campaign goods;
- 674 (vi) repair or replacement of clothing that is damaged while the candidate or
- 675 officeholder is engaged in an activity of a candidate or an officeholder;
- 676 (vii) printed materials; or

677 (viii) postage.
678 (i) "Travel expenses" includes:
679 (i) political conference registration;
680 (ii) airfare;
681 (iii) hotels;
682 (iv) food, and related expenses, purchased for consumption during travel;
683 (v) vehicle mileage reimbursement; or
684 (vi) incidental expenses while traveling.
685 (2) As it relates to an expenditure, a detailed listing includes identifying the
686 expenditure as falling within one of the following categories:
687 (a) advertising;
688 (b) association expense;
689 (c) campaign expense;
690 (d) constituent services;
691 (e) donations;
692 (f) loans;
693 (g) office;
694 (h) political support;
695 (i) return of a contribution;
696 (j) signature gathering;
697 (k) supplies;
698 (l) travel expenses; or
699 (m) other expenditures that do not fall within a category described in Subsections
700 (2)(a) through (l), followed by a description of the expenditure.
701 (3) The director of elections, within the Lieutenant Governor's Office, may make rules,
702 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in relation to
703 the form, type, and level of detail required in a detailed listing or a financial disclosure form.
704 Section 4. Section **20A-11-103** is amended to read:
705 **20A-11-103. Notice of pending interim and summary reports -- Financial**
706 **statements -- Form of submission -- Public availability -- Notice of reporting and filing**
707 **requirements.**

708 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
709 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
710 the chief election officer shall inform the filing entity by electronic mail unless postal mail is
711 requested:

- 712 (i) that the financial statement is due;
- 713 (ii) of the date that the financial statement is due; and
- 714 (iii) of the penalty for failing to file the financial statement.

715 (b) The chief election officer is not required to provide notice:

716 ~~[(i) to a candidate or political party of the financial statement that is due before the~~
717 ~~candidate's or political party's political convention;]~~

718 ~~[(ii)]~~ (i) of a financial statement due in connection with a public hearing for an
719 initiative under the requirements of Section 20A-7-204.1; or

720 ~~[(iii)]~~ (ii) to a corporation or labor organization, as defined in Section 20A-11-1501.

721 (2) A filing entity shall electronically file a financial statement via electronic mail or
722 the Internet according to specifications established by the chief election officer.

723 (3) (a) A financial statement is considered timely filed if the financial statement is
724 received by the chief election officer's office before midnight, Mountain Time, at the end of the
725 day on which the financial statement is due.

726 (b) For a county clerk's office that is not open until midnight at the end of the day on
727 which a financial statement is due, the county clerk shall permit a candidate to file the financial
728 statement via email or another electronic means designated by the county clerk.

729 (c) A chief election officer may extend the time in which a filing entity is required to
730 file a financial statement if a filing entity notifies the chief election officer of the existence of
731 an extenuating circumstance that is outside the control of the filing entity.

732 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
733 Access and Management Act, the lieutenant governor shall:

734 (a) make each campaign ~~[finance]~~ financial statement filed by a candidate available for
735 public inspection and copying no later than one business day after the statement is filed; and

736 (b) post an electronic copy or the contents of each financial statement in a searchable
737 format on a website established by the lieutenant governor:

738 (i) for campaign ~~[finance]~~ financial statements submitted to the lieutenant governor

739 under the requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business
740 days after the date of receipt of the campaign [~~finance~~] financial statement; or

741 (ii) for a summary report or interim report filed under the requirements of this chapter
742 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
743 date the summary report or interim report is electronically filed.

744 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,
745 elects to provide campaign [~~finance disclosure on its~~] financial statements on the municipality's
746 own website, rather than through the lieutenant governor, the website established by the
747 lieutenant governor shall contain a link or other access point to the municipality or county
748 website.

749 (6) Between January 1 and January 15 of each year, the chief election officer shall
750 provide notice, by postal mail or email, to each filing entity for which the chief election officer
751 has a physical or email address, of the reporting and filing requirements described in this
752 chapter.

753 Section 5. Section 20A-11-104 is amended to read:

754 **20A-11-104. Personal use expenditure -- Authorized and prohibited uses of**
755 **campaign funds -- Enforcement -- Penalties.**

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

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

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

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

764 (b) "Personal use expenditure" includes:

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

766 (ii) a household food item or supply;

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

768 (iii) a clothing expense, except:

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

770 used in the candidate's campaign; or
771 (B) repair or replacement of clothing that is damaged while the candidate or
772 officeholder is engaged in an activity of a candidate or officeholder;
773 (iv) an admission to a sporting, artistic, or recreational event or other form of
774 entertainment;
775 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
776 (vi) a salary payment made to:
777 (A) a candidate or officeholder; or
778 (B) a person who has not provided a bona fide service to a candidate or officeholder;
779 (vii) a vacation;
780 (viii) a vehicle expense;
781 (ix) a meal expense;
782 (x) a travel expense;
783 (xi) a payment of an administrative, civil, or criminal penalty;
784 (xii) a satisfaction of a personal debt;
785 (xiii) a personal service, including the service of an attorney, accountant, physician, or
786 other professional person;
787 (xiv) a membership fee for a professional or service organization; and
788 (xv) a payment in excess of the fair market value of the item or service purchased.
789 (2) As used in this chapter, "personal use expenditure" does not [~~mean~~] include an
790 expenditure made:
791 (a) for a political purpose;
792 (b) for candidacy for public office;
793 (c) to fulfill a duty or activity of an officeholder;
794 (d) for a donation to a registered political party;
795 (e) for a contribution to another candidate's campaign account, including sponsorship
796 of or attendance at an event, the primary purpose of which is to solicit a contribution for
797 another candidate's campaign account;
798 (f) to return all or a portion of a contribution to a contributor;
799 (g) for the following items, if made in connection with the candidacy for public office
800 or an activity or duty of an officeholder:

- 801 (i) (A) a mileage allowance at the rate established by the Division of Finance under
802 Section [63A-3-107](#); or
- 803 (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);
804 [~~(ii) a meal expense;~~]
805 [~~(iii) a travel expense, including an expense incurred for airfare or a rental vehicle;~~]
806 (ii) a food expense, including food or beverages:
- 807 (A) served at a campaign event;
808 (B) served at a charitable event;
809 (C) consumed, or provided to others, by a candidate while the candidate is engaged in
810 campaigning;
- 811 (D) consumed, or provided to others, by an officeholder while the officeholder is acting
812 in the capacity of an officeholder; or
- 813 (E) provided as a gift to an individual who works on a candidate's campaign or who
814 assists an officeholder in the officeholder's capacity as an officeholder;
- 815 (iii) a travel expense of a candidate, if the primary purpose of the travel is related to the
816 candidate's campaign, including airfare, car rental, other transportation, hotel, or other expenses
817 incidental to the travel;
- 818 (iv) a travel expense of an individual assisting a candidate, if the primary purpose of
819 the travel by the individual is to assist the candidate with the candidate's campaign, including
820 an expense described in Subsection (2)(g)(iii);
- 821 (v) a travel expense of an officeholder, if the primary purpose of the travel is related to
822 an activity or duty of the officeholder, including an expense described in Subsection (2)(g)(iii);
- 823 (vi) a travel expense of an individual assisting an officeholder, if the primary purpose
824 of the travel by the individual is to assist the officeholder in an activity or duty of an
825 officeholder, including an expense described in Subsection (2)(g)(iii);
- 826 [~~(iv)~~] (vii) a payment for a service provided by an attorney or accountant;
827 [~~(v)~~] (viii) a tuition payment or registration fee for participation in a meeting or
828 conference;
- 829 [~~(vi)~~] (ix) a gift;
830 [~~(vii)~~] (x) a payment for the following items in connection with an office space:
831 (A) rent;

- 832 (B) utilities;
- 833 (C) a supply; or
- 834 (D) furnishing;
- 835 [~~(viii)~~] (xi) a booth at a meeting or event; [~~or~~]
- 836 [~~(ix)~~] (xii) educational material; or
- 837 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of
- 838 an officeholder;
- 839 (h) to purchase or mail informational material, a survey, or a greeting card;
- 840 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including
- 841 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
- 842 as defined in Section 13-22-2;
- 843 (j) to repay a loan a candidate makes from the candidate's personal account to the
- 844 candidate's campaign account;
- 845 (k) to pay membership dues to a national organization whose primary purpose is to
- 846 address general public policy;
- 847 (l) for admission to or sponsorship of an event, the primary purpose of which is to
- 848 promote the social, educational, or economic well-being of the state or the candidate's or
- 849 officeholder's community;
- 850 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,
- 851 or conference described in this Subsection (2), including related travel expenses and other
- 852 expenses, if attendance by the guest is for a primary purpose described in Subsection (2)(g)(iv)
- 853 or (vi); or
- 854 (n) to pay childcare expenses of:
- 855 (i) a candidate while the candidate is engaging in campaign activity; or
- 856 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder.
- 857 (3) (a) The lieutenant governor shall enforce this chapter prohibiting a personal use
- 858 expenditure by:
- 859 (i) evaluating a financial statement to identify a personal use expenditure; and
- 860 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G,
- 861 Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to
- 862 believe a candidate or officeholder has made a personal use expenditure.

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

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

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

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

871 Section 6. Section **20A-11-201** is amended to read:

872 **20A-11-201. State office -- Separate bank account for campaign funds -- No**
873 **personal use -- State office candidate reporting deadline -- Report other accounts --**
874 **Anonymous contributions.**

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

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

880 (i) a personal use expenditure; or

881 (ii) an expenditure prohibited by law.

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

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

887 (i) a personal use expenditure; or

888 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

914 (b) Each state office candidate shall report to the lieutenant governor:

915 (i) each contribution received and each expenditure made by the state office candidate[:
916 ~~(i) except as provided in Subsection (5)(b)(ii);~~] within 31 days after the day on which the
917 contribution is received[:] or the expenditure is made;

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

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

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

924 (C) the state office candidate is contested in a general election and the contribution is

925 received within 30 days before the day on which the general election is held[-]; and
926 (iii) with each report made under Subsection (5)(b)(i), the name of each political action
927 committee for which the state office candidate is designated as an officer who has primary
928 decision-making authority under Section 20A-11-601.

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

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

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

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

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

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

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

948 (e) The lieutenant governor shall:

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

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

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

953 (B) the amount of the fine;

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

955 (D) the date of the contribution or expenditure.

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

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

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

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

965 (i) a contribution deposited in an account:

966 (A) since the last campaign [~~finance~~] financial statement was filed; or

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

968 (ii) an expenditure made from an account:

969 (A) since the last campaign [~~finance~~] financial statement was filed; or

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

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

976 Section 7. Section **20A-11-203** is amended to read:

977 **20A-11-203. Former state office candidate -- Financial reporting requirements --**
978 **Year-end summary report.**

979 [~~(1) (a) Each state office candidate shall file a summary report by January 10 of the
980 year after the regular general election year.]~~

981 [~~(b) In addition to the requirements of Subsection (1)(a), a]~~

982 (1) A former state office candidate [that] who is not an officeholder and who has not
983 filed the statement of dissolution and final summary report required under Section 20A-11-205
984 shall [continue to] file a summary report on January 10 of each year.

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

- 987 (i) the net balance of the last financial statement, if any;
- 988 [~~(ii) a single figure equal to the total amount of receipts reported on all interim reports;~~
- 989 ~~if any;~~]
- 990 [~~(iii) a single figure equal to the total amount of expenditures reported on all interim~~
- 991 ~~reports, if any, filed during the previous year;~~]
- 992 [~~(iv)~~] (ii) a detailed listing of each contribution received [~~since the last summary~~
- 993 ~~report~~] and expenditure made that has not been reported in detail on [~~an interim report~~] a
- 994 financial statement;
- 995 [~~(v)~~] (iii) for each nonmonetary contribution:
- 996 (A) the fair market value of the contribution with that information provided by the
- 997 contributor; and
- 998 (B) a specific description of the contribution;
- 999 [~~(vi)~~] (iv) a detailed listing of each expenditure made since the last summary report that
- 1000 has not been reported in detail on [~~an interim report~~] a financial statement;
- 1001 [~~(vii)~~] (v) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1002 [~~(viii)~~] (vi) a net balance for the year consisting of the net balance from the last
- 1003 summary report, if any, plus all receipts minus all expenditures; and
- 1004 [~~(ix)~~] (vii) the name of a political action committee for which the former state office
- 1005 candidate is designated as an officer who has primary decision-making authority under Section
- 1006 [20A-11-601](#).
- 1007 (b) In preparing the report, all receipts and expenditures shall be reported as of
- 1008 December 31 of the previous year.
- 1009 (c) A check or negotiable instrument received by a former state office candidate or a
- 1010 former state office candidate's personal campaign committee on or before December 31 of the
- 1011 previous year shall be included in the summary report.
- 1012 (3) An authorized member of the former state office candidate's personal campaign
- 1013 committee or the former state office candidate shall certify in the summary report that, to the
- 1014 best of the person's knowledge, all receipts and all expenditures have been reported as of
- 1015 December 31 of the previous year and that there are no bills or obligations outstanding and
- 1016 unpaid except as set forth in that report.
- 1017 Section 8. Section **20A-11-204** is amended to read:

1018 **20A-11-204. State office candidate and state officeholder -- Financial reporting**
1019 **requirements -- Interim reports.**

1020 (1) As used in this section:

1021 (a) "Campaign account" means a separate campaign account required under Subsection
1022 20A-11-201(1)(a) or (c).

1023 (b) "Received" means:

1024 (i) for a cash contribution, that the cash is given to a state office candidate or a member
1025 of the state office candidate's personal campaign committee;

1026 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1027 instrument or check is negotiated;

1028 (iii) for a direct deposit made into a campaign account by a person not associated with
1029 the campaign, the earlier of:

1030 (A) the day on which the state office candidate or a member of the state office
1031 candidate's personal campaign committee becomes aware of the deposit and the source of the
1032 deposit;

1033 (B) the day on which the state office candidate or a member of the state office
1034 candidate's personal campaign committee receives notice of the deposit and the source of the
1035 deposit by mail, email, text, or similar means; or

1036 (C) thirty-one days after the day on which the direct deposit occurs; or

1037 (iv) for any other type of contribution, that any portion of the contribution's benefit
1038 inures to the state office candidate.

1039 ~~[(1) Except as provided in Subsection (2), each state office candidate shall file an~~
1040 ~~interim report at the following times in any year in which the candidate has filed a declaration~~
1041 ~~of candidacy for a public office:]~~

1042 ~~[(a) (i) seven days before the candidate's political convention; or]~~

1043 ~~[(ii) for an unaffiliated candidate, the fourth Saturday in March;]~~

1044 ~~[(b) seven days before the regular primary election date;]~~

1045 ~~[(c) September 30; and]~~

1046 ~~[(d) seven days before the regular general election date.]~~

1047 (2) If a state office candidate is a state office candidate seeking appointment for a
1048 midterm vacancy, the state office candidate~~[-(a)]~~ shall file an interim report:

1049 (a) (i) ~~[(A)]~~ no later than seven days before the day on which the political party of the
1050 party for which the state office candidate seeks nomination meets to declare a nominee for the
1051 governor to appoint in accordance with Section [20A-1-504](#); and

1052 ~~[(B)]~~ (ii) two days before the day on which the political party of the party for which the
1053 state office candidate seeks nomination meets to declare a nominee for the governor to appoint
1054 in accordance with Subsection [20A-1-504](#)(1)(b)(i); or

1055 ~~[(ii)]~~ (b) if a state office candidate decides to seek the appointment with less than seven
1056 days before the party meets, or the political party schedules the meeting to declare a nominee
1057 less than seven days before the day of the meeting, no later than 5 p.m. on the last ~~[day of]~~
1058 business day before the day on which the party meets~~[-and]~~.

1059 ~~[(b) is not required to file an interim report at the times described in Subsection (1).]~~

1060 ~~[(3) (a) As used in this Subsection (3), "campaign account" means a separate campaign~~
1061 ~~account required under Subsection [20A-11-201](#)(1)(a) or (c).]~~

1062 ~~[(b) Each state officeholder who has a campaign account that has not been dissolved~~
1063 ~~under Section [20A-11-205](#) shall, in an even year, file an interim report at the following times,~~
1064 ~~regardless of whether an election for the state officeholder's office is held that year:]~~

1065 ~~[(i) (A) seven days before the political convention for the political party of the state~~
1066 ~~officeholder; or]~~

1067 ~~[(B) for an unaffiliated state officeholder, the fourth Saturday in March;]~~

1068 ~~[(ii) seven days before the regular primary election date;]~~

1069 ~~[(iii) September 30; and]~~

1070 ~~[(iv) seven days before the regular general election date.]~~

1071 (3) Each state officeholder who has a campaign account that has not been dissolved
1072 under Section [20A-11-205](#) shall report to the lieutenant governor:

1073 (a) each contribution and public service assistance received and expenditure made by
1074 the state officeholder within 31 days after the day on which the contribution or public service
1075 assistance is received or the expenditure is made; and

1076 (b) with each report made under Subsection (3)(a), the name of each political action
1077 committee for which the state officeholder is designated as an officer who has primary
1078 decision-making authority under Section [20A-11-601](#).

1079 (4) Each interim report described in Subsection (2) shall include the following

1080 information:

1081 (a) the net balance of the last summary report, if any;

1082 (b) a single figure equal to the total amount of receipts reported on all prior interim
1083 reports, if any, during the calendar year in which the interim report is due;

1084 (c) a single figure equal to the total amount of expenditures reported on all prior
1085 interim reports, if any, filed during the calendar year in which the interim report is due;

1086 (d) a detailed listing of ~~[(i) for a state office candidate,]~~ each contribution received
1087 since the last summary report that has not been reported in detail on a prior interim report; ~~[or]~~

1088 ~~[(ii) for a state officeholder, each contribution and public service assistance received
1089 since the last summary report that has not been reported in detail on a prior interim report;]~~

1090 (e) for each nonmonetary contribution:

1091 (i) the fair market value of the contribution with that information provided by the
1092 contributor; and

1093 (ii) a specific description of the contribution;

1094 (f) a detailed listing of each expenditure made since the last summary report that has
1095 not been reported in detail on a prior interim report;

1096 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1097 (h) a net balance for the year consisting of the net balance from the last summary
1098 report, if any, plus all receipts since the last summary report minus all expenditures since the
1099 last summary report;

1100 (i) a summary page in the form required by the lieutenant governor that identifies:

1101 (i) beginning balance;

1102 (ii) total contributions and public service assistance received during the period since
1103 the last statement;

1104 (iii) total contributions and public service assistance received to date;

1105 (iv) total expenditures during the period since the last statement; and

1106 (v) total expenditures to date; and

1107 (j) the name of ~~[a]~~ each political action committee for which the state office candidate
1108 ~~[or state officeholder]~~ is designated as an officer who has primary decision-making authority
1109 under Section [20A-11-601](#).

1110 (5) (a) In preparing each interim report, all receipts and expenditures shall be reported

1111 as of five days before the required filing date of the report.

1112 (b) Any negotiable instrument or check received by a state office candidate [~~or state~~
1113 ~~officeholder~~] more than five days before the required filing date of a report required by this
1114 section shall be included in the interim report.

1115 Section 9. Section **20A-11-205** is amended to read:

1116 **20A-11-205. State office candidate -- Financial reporting requirements --**
1117 **Termination of duty to report.**

1118 (1) Each state office candidate seeking appointment for a midterm vacancy and the
1119 candidate's personal campaign committee is active and subject to interim reporting
1120 requirements until:

1121 [~~(a) the candidate withdraws or is eliminated in a convention or primary; or~~]

1122 [~~(b) if seeking appointment as a midterm vacancy state office candidate;~~]

1123 [(~~it~~)] (a) the political party liaison fails to forward the person's name to the governor; or

1124 [(~~it~~)] (b) the governor fails to appoint the person to fill the vacancy.

1125 (2) Each state office candidate and the candidate's personal campaign committee is
1126 active and subject to [~~year-end summary~~] reporting requirements until the candidate has filed a
1127 statement of dissolution with the lieutenant governor stating that:

1128 (a) the state office candidate or the personal campaign committee is no longer receiving
1129 contributions and is no longer making expenditures;

1130 (b) the ending balance on the last summary report filed is zero and the balance in the
1131 separate bank account required in Section **20A-11-201** is zero; and

1132 (c) a final summary report in the form required by Section **20A-11-203** showing a zero
1133 balance is attached to the statement of dissolution.

1134 (3) A statement of dissolution and a final summary report may be filed at any time.

1135 (4) Each former state office candidate who is not an officeholder and the former
1136 candidate's personal campaign committee shall continue to file the year-end summary report
1137 required by Section **20A-11-203** until the statement of dissolution and final summary report
1138 required by this section are filed with the lieutenant governor.

1139 Section 10. Section **20A-11-206** is amended to read:

1140 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

1141 (1) A state office candidate who fails to file a financial statement before the deadline is

1142 subject to a fine imposed in accordance with Section 20A-11-1005.

1143 ~~[(2) If a state office candidate fails to file an interim report described in Subsections~~
1144 ~~20A-11-204(1)(b) through (d), the lieutenant governor may send an electronic notice to the~~
1145 ~~state office candidate and the political party of which the state office candidate is a member, if~~
1146 ~~any, that states:]~~

1147 ~~[(a) that the state office candidate failed to timely file the report; and]~~

1148 ~~[(b) that, if the state office candidate fails to file the report within 24 hours after the~~
1149 ~~deadline for filing the report, the state office candidate will be disqualified and the political~~
1150 ~~party will not be permitted to replace the candidate.]~~

1151 ~~[(3) (a) The lieutenant governor shall disqualify a state office candidate and inform the~~
1152 ~~county clerk and other appropriate election officials that the state office candidate is~~
1153 ~~disqualified if the state office candidate fails to file an interim report described in Subsections~~
1154 ~~20A-11-204(1)(b) through (d) within 24 hours after the deadline for filing the report.]~~

1155 ~~[(b) The political party of a state office candidate who is disqualified under Subsection~~
1156 ~~(3)(a) may not replace the state office candidate.]~~

1157 ~~[(4) (a) If a state office candidate is disqualified under Subsection (3)(a), the election~~
1158 ~~official shall:]~~

1159 ~~[(i) remove the state office candidate's name from the ballot; or]~~

1160 ~~[(ii) if removing the state office candidate's name from the ballot is not practicable;~~
1161 ~~inform the voters by any practicable method that the state office candidate has been~~
1162 ~~disqualified and that votes cast for the state office candidate will not be counted.]~~

1163 ~~[(b) An election official may fulfill the requirement described in Subsection (4)(a) in~~
1164 ~~relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a~~
1165 ~~written notice directing the voter to a public website that will inform the voter whether a~~
1166 ~~candidate on the ballot is disqualified.]~~

1167 ~~[(5) A state office candidate is not disqualified if:]~~

1168 ~~[(a) the state office candidate timely files the reports described in Subsections~~
1169 ~~20A-11-204(1)(b) through (d) no later than 24 hours after the applicable deadlines for filing the~~
1170 ~~reports;]~~

1171 ~~[(b) the reports are completed, detailing accurately and completely the information~~
1172 ~~required by this part except for inadvertent omissions or insignificant errors or inaccuracies;~~

1173 and]

1174 [~~(c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected~~
1175 ~~in an amended report or the next scheduled report.~~]

1176 [(6)] (2) (a) Within 60 days after a deadline for the filing of a summary report or the
1177 filing of a financial statement, the lieutenant governor shall review each filed summary report
1178 or a filed financial statement to ensure that:

1179 (i) each former state office candidate that is required to file a summary report has filed
1180 one; and

1181 (ii) each summary report or financial statement contains the information required by
1182 this part.

1183 (b) If it appears that any [~~state office candidate~~] individual has failed to file the
1184 summary report or a financial statement required by law, if it appears that a filed summary
1185 report or financial statement does not conform to the law, or if the lieutenant governor has
1186 received a written complaint alleging a violation of the law or the falsity of any summary report
1187 or financial statement, the lieutenant governor shall, within five days of discovery of a violation
1188 or receipt of a written complaint, notify the state office candidate of the violation or written
1189 complaint and direct the state office candidate to file a summary report or financial statement
1190 correcting the problem.

1191 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary
1192 report or financial statement within seven days after receiving notice from the lieutenant
1193 governor described in this Subsection [(6)] (2).

1194 (ii) Each state office candidate who violates Subsection [(6)] (2)(c)(i) is guilty of a
1195 class B misdemeanor.

1196 (iii) The lieutenant governor shall report all violations of Subsection [(6)] (2)(c)(i) to
1197 the attorney general.

1198 (iv) In addition to the criminal penalty described in Subsection [(6)] (2)(c)(ii), the
1199 lieutenant governor shall impose a civil fine of \$100 against a state office candidate who
1200 violates Subsection (6)(c)(i).

1201 Section 11. Section **20A-11-301** is amended to read:

1202 **20A-11-301. Legislative office -- Campaign finance requirements -- Candidate as**
1203 **a political action committee officer -- No personal use -- Reporting deadline -- Report**

1204 **other accounts -- Anonymous contributions.**

1205 (1) (a) (i) Each legislative office candidate shall deposit each contribution received in
1206 one or more separate accounts in a financial institution that are dedicated only to that purpose.

1207 (ii) A legislative office candidate may:

1208 (A) receive a contribution from a political action committee registered under Section
1209 [20A-11-601](#); and

1210 (B) be designated by a political action committee as an officer who has primary
1211 decision-making authority as described in Section [20A-11-601](#).

1212 (b) A legislative office candidate or the candidate's personal campaign committee may
1213 not use money deposited in an account described in Subsection (1)(a)(i) for:

1214 (i) a personal use expenditure; or

1215 (ii) an expenditure prohibited by law.

1216 (c) (i) Each legislative officeholder shall deposit each contribution and public service
1217 assistance received in one or more separate accounts in a financial institution that are dedicated
1218 only to that purpose.

1219 (ii) A legislative officeholder may:

1220 (A) receive a contribution or public service assistance from a political action
1221 committee registered under Section [20A-11-601](#); and

1222 (B) be designated by a political action committee as an officer who has primary
1223 decision-making authority as described in Section [20A-11-601](#).

1224 (d) A legislative officeholder or the legislative officeholder's personal campaign
1225 committee may not use money deposited in an account described in Subsection (1)(c)(i) for:

1226 (i) a personal use expenditure; or

1227 (ii) an expenditure prohibited by law.

1228 (2) (a) A legislative office candidate may not deposit or mingle any contributions
1229 received into a personal or business account.

1230 (b) A legislative officeholder may not deposit or mingle any contributions or public
1231 service assistance received into a personal or business account.

1232 (3) If a person who is no longer a legislative candidate chooses not to expend the
1233 money remaining in a campaign account, the person shall continue to file the year-end
1234 summary report required by Section [20A-11-302](#) until the statement of dissolution and final

1235 summary report required by Section 20A-11-304 are filed with the lieutenant governor.

1236 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who
1237 is no longer a legislative office candidate may not expend or transfer the money in a campaign
1238 account in a manner that would cause the former legislative office candidate to recognize the
1239 money as taxable income under federal tax law.

1240 (b) A person who is no longer a legislative office candidate may transfer the money in
1241 a campaign account in a manner that would cause the former legislative office candidate to
1242 recognize the money as taxable income under federal tax law if the transfer is made to a
1243 campaign account for federal office.

1244 (5) (a) As used in this Subsection (5), [~~and Section 20A-11-303, "received" means:~~],
1245 "received" means the same as that term is defined in Subsection 20A-11-303(1)(b).

1246 [~~(i) for a cash contribution, that the cash is given to a legislative office candidate or a
1247 member of the candidate's personal campaign committee;~~]

1248 [~~(ii) for a contribution that is a negotiable instrument or check, that the negotiable
1249 instrument or check is negotiated; and]~~

1250 [~~(iii) for any other type of contribution, that any portion of the contribution's benefit
1251 inures to the legislative office candidate.~~]

1252 (b) Each legislative office candidate shall report to the lieutenant governor:

1253 (i) each contribution received and expenditure made by the legislative office
1254 candidate[~~:(i) except as provided in Subsection (5)(b)(ii);~~] within 31 days after the day on
1255 which the contribution is received[~~;~~] or the expenditure is made;

1256 (ii) for each contribution received, within [~~three~~] seven business days after the day on
1257 which the contribution is received, if:

1258 (A) the legislative office candidate is contested in a convention and the contribution is
1259 received within 30 days before the day on which the convention is held;

1260 (B) the legislative office candidate is contested in a primary election and the
1261 contribution is received within 30 days before the day on which the primary election is held; or

1262 (C) the legislative office candidate is contested in a general election and the
1263 contribution is received within 30 days before the day on which the general election is held[~~;~~];
1264 and

1265 (iii) with each report made under Subsection (5)(b)(i), the name of each political action

1266 committee for which the legislative office candidate is designated as an officer who has
1267 primary decision-making authority under Section 20A-11-601.

1268 (c) Except as provided in Subsection (5)(d), for each contribution or expenditure that a
1269 legislative office candidate fails to report within the time period described in Subsection (5)(b),
1270 the lieutenant governor shall impose a fine against the legislative office candidate in an amount
1271 equal to:

1272 (i) 10% of the amount of the contribution or expenditure, if the legislative office
1273 candidate reports the contribution or expenditure within 60 days after the day on which the
1274 time period described in Subsection (5)(b) ends; or

1275 (ii) 20% of the amount of the contribution or expenditure, if the legislative office
1276 candidate fails to report the contribution or expenditure within 60 days after the day on which
1277 the time period described in Subsection (5)(b) ends.

1278 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and
1279 issue a warning to the legislative office candidate if:

1280 (i) the contribution that the legislative office candidate fails to report is paid by the
1281 legislative office candidate from the legislative office candidate's personal funds;

1282 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in
1283 relation to a contribution paid by the legislative office candidate from the legislative office
1284 candidate's personal funds; and

1285 (iii) the lieutenant governor determines that the failure to timely report the contribution
1286 is due to the legislative office candidate not understanding that the reporting requirement
1287 includes a contribution paid by a legislative office candidate from the legislative office
1288 candidate's personal funds.

1289 (e) The lieutenant governor shall:

1290 (i) deposit money received under Subsection (5)(c) into the General Fund; and

1291 (ii) report on the lieutenant governor's website, in the location where reports relating to
1292 each legislative office candidate are available for public access:

1293 (A) each fine imposed by the lieutenant governor against the legislative office
1294 candidate;

1295 (B) the amount of the fine;

1296 (C) the amount of the contribution or expenditure to which the fine relates; and

1297 (D) the date of the contribution or expenditure.

1298 (6) Within 31 days after receiving a contribution that is cash or a negotiable
 1299 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall
 1300 disburse the amount of the contribution to ~~[(a) the treasurer of the state or a political~~
 1301 ~~subdivision for deposit into the state's or political subdivision's general fund; or (b)]~~ an
 1302 organization that is exempt from federal income taxation under Section 501(c)(3), Internal
 1303 Revenue Code.

1304 (7) (a) As used in this Subsection (7), "account" means an account in a financial
 1305 institution:

1306 (i) that is not described in Subsection (1)(a)(i); and

1307 (ii) into which or from which a person who, as a candidate for an office, other than a
 1308 legislative office for which the person files a declaration of candidacy or federal office, or as a
 1309 holder of an office, other than a legislative office for which the person files a declaration of
 1310 candidacy or federal office, deposits a contribution or makes an expenditure.

1311 (b) A legislative office candidate shall include on any financial statement filed in
 1312 accordance with this part:

1313 (i) a contribution deposited in an account:

1314 (A) since the last campaign ~~[finance]~~ financial statement was filed; or

1315 (B) that has not been reported under a statute or ordinance that governs the account; or

1316 (ii) an expenditure made from an account:

1317 (A) since the last campaign ~~[finance]~~ financial statement was filed; or

1318 (B) that has not been reported under a statute or ordinance that governs the account.

1319 Section 12. Section **20A-11-302** is amended to read:

1320 **20A-11-302. Former legislative office candidate -- Financial reporting**

1321 **requirements -- Year-end summary report.**

1322 ~~[(1)(a) Each legislative office candidate shall file a summary report by January 10 of~~
 1323 ~~the year after the regular general election year.]~~

1324 ~~[(b)]~~ (1) ~~[In addition to the requirements of Subsection (1)(a), a]~~ A former legislative
 1325 office candidate ~~[that]~~ who is not an officeholder and who has not filed the statement of
 1326 dissolution and final summary report required under Section [20A-11-304](#) shall continue to file
 1327 a summary report on January 10 of each year.

1328 (2) (a) Each summary report shall include the following information as of December 31
1329 of the previous year:

1330 (i) the net balance of the last financial statement, if any;

1331 [~~(ii) a single figure equal to the total amount of receipts reported on all interim reports,
1332 if any, during the calendar year in which the summary report is due;~~]

1333 [~~(iii) a single figure equal to the total amount of expenditures reported on all interim
1334 reports, if any, filed during the previous year;~~]

1335 [~~(iv)~~] (ii) a detailed listing of each contribution received since the last summary report
1336 that has not been reported in detail on [~~an interim report~~] a financial statement;

1337 [~~(v)~~] (iii) for each nonmonetary contribution:

1338 (A) the fair market value of the contribution with that information provided by the
1339 contributor; and

1340 (B) a specific description of the contribution;

1341 [~~(vi)~~] (iv) a detailed listing of each expenditure made since the last summary report that
1342 has not been reported in detail on [~~an interim report~~] a financial statement;

1343 [~~(vii)~~] (v) for each nonmonetary expenditure, the fair market value of the expenditure;

1344 [~~(viii)~~] (vi) a net balance for the year consisting of the net balance from the last
1345 summary report, if any, plus all receipts minus all expenditures; and

1346 [~~(ix)~~] (vii) the name of a political action committee for which the former legislative
1347 office candidate is designated as an officer who has primary decision-making authority under
1348 Section [20A-11-601](#).

1349 (b) In preparing the report, all receipts and expenditures shall be reported as of
1350 December 31 of the previous year.

1351 (c) A check or negotiable instrument received by a former legislative office candidate
1352 on or before December 31 of the previous year shall be included in the summary report.

1353 (3) The former legislative office candidate shall certify in the summary report that to
1354 the best of the former candidate's knowledge, all receipts and all expenditures have been
1355 reported as of December 31 of the previous year and that there are no bills or obligations
1356 outstanding and unpaid except as set forth in that report.

1357 Section 13. Section **20A-11-303** is amended to read:

1358 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**

1359 **reporting requirements -- Interim reports.**1360 ~~[(1)(a) As used in this Subsection (1), "campaign]~~1361 (1) As used in this section:1362 (a) "Campaign account" means a separate campaign account required under Subsection1363 20A-11-301(1)(a)(i) or (c)(i).1364 (b) "Received" means:1365 (i) for a cash contribution, that the cash is given to a legislative office candidate or a1366 member of the legislative office candidate's personal campaign committee;1367 (ii) for a contribution that is a negotiable instrument or check, that the negotiable1368 instrument or check is negotiated;1369 (iii) for a direct deposit made into a campaign account by a person not associated with1370 the campaign, the earlier of:1371 (A) the day on which the legislative office candidate or a member of the legislative1372 office candidate's personal campaign committee becomes aware of the deposit and the source1373 of the deposit;1374 (B) the day on which the legislative office candidate or a member of the legislative1375 office candidate's personal campaign committee receives notice of the deposit and the source of1376 the deposit by mail, email, text, or similar means; or1377 (C) 31 days after the day on which the direct deposit occurs; or1378 (iv) for any other type of contribution, that any portion of the contribution's benefit1379 inures to the legislative office candidate.1380 ~~[(b) Except as provided in Subsection (2), each legislative office candidate shall file an~~1381 ~~interim report at the following times in any year in which the candidate has filed a declaration~~1382 ~~of candidacy for a public office:]~~1383 ~~[(i)(A) seven days before the candidate's political convention; or]~~1384 ~~[(B) for an unaffiliated candidate, the fourth Saturday in March;]~~1385 ~~[(ii) seven days before the regular primary election date;]~~1386 ~~[(iii) September 30; and]~~1387 ~~[(iv) seven days before the regular general election date.]~~1388 ~~[(c) Each legislative officeholder who has a campaign account that has not been~~1389 ~~dissolved under Section 20A-11-304 shall, in an even year, file an interim report at the~~

1390 following times, regardless of whether an election for the legislative officeholder's office is
1391 held that year:]

1392 ~~[(i) (A) seven days before the political convention for the political party of the~~
1393 ~~legislative officeholder; or]~~

1394 ~~[(B) for an unaffiliated legislative officeholder, the fourth Saturday in March;]~~

1395 ~~[(ii) seven days before the regular primary election date for that year;]~~

1396 ~~[(iii) September 30; and]~~

1397 ~~[(iv) seven days before the regular general election date.]~~

1398 (2) Each legislative officeholder who has a campaign account that has not been
1399 dissolved under Section [20A-11-304](#) shall report to the lieutenant governor:

1400 (a) each contribution and public service assistance received and expenditure made by
1401 the legislative officeholder within 31 days after the day on which the contribution or public
1402 service assistance is received or the expenditure is made; and

1403 (b) with each report made under Subsection (2)(b), the name of each political action
1404 committee for which the legislative office candidate or legislative officeholder is designated as
1405 an officer who has primary decision-making authority under Section [20A-11-601](#).

1406 ~~[(2)]~~ (3) If a legislative office candidate is a legislative office candidate seeking
1407 appointment for a midterm vacancy, the legislative office candidate~~[-(a)]~~ shall file an interim
1408 report:

1409 (a) (i) ~~[(A)]~~ seven days before the day on which the political party of the party for
1410 which the legislative office candidate seeks nomination meets to declare a nominee for the
1411 governor to appoint in accordance with Section [20A-1-503](#); and

1412 ~~[(B)]~~ (ii) two days before the day on which the political party of the party for which the
1413 legislative office candidate seeks nomination meets to declare a nominee for the governor to
1414 appoint in accordance with Section [20A-1-503](#); or

1415 ~~[(ii)]~~ (b) if the legislative office candidate decides to seek the appointment with less
1416 than seven days before the party meets, or the political party schedules the meeting to declare a
1417 nominee less than seven days before the day of the meeting, two days before the day on which
1418 the party meets~~[-and]~~.

1419 ~~[(b) is not required to file an interim report at the times described in Subsection (1)(b).]~~

1420 ~~[(3)]~~ (4) Each interim report described in Subsection (3) shall include the following

1421 information:

1422 (a) the net balance of the last summary report, if any;

1423 (b) a single figure equal to the total amount of receipts reported on all prior interim
1424 reports, if any, during the calendar year in which the interim report is due;

1425 (c) a single figure equal to the total amount of expenditures reported on all prior
1426 interim reports, if any, filed during the calendar year in which the interim report is due;

1427 (d) a detailed listing of ~~[(i)]~~₂ for a legislative office candidate, each contribution
1428 received since the last summary report that has not been reported in detail on a prior interim
1429 report; ~~[or]~~

1430 ~~[(ii) for a legislative officeholder, each contribution and public service assistance
1431 received since the last summary report that has not been reported in detail on a prior interim
1432 report;]~~

1433 (e) for each nonmonetary contribution:

1434 (i) the fair market value of the contribution with that information provided by the
1435 contributor; and

1436 (ii) a specific description of the contribution;

1437 (f) a detailed listing of each expenditure made since the last summary report that has
1438 not been reported in detail on a prior interim report;

1439 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

1440 (h) a net balance for the year consisting of the net balance from the last summary
1441 report, if any, plus all receipts since the last summary report minus all expenditures since the
1442 last summary report;

1443 (i) a summary page in the form required by the lieutenant governor that identifies:

1444 (i) beginning balance;

1445 (ii) total contributions and public service assistance received during the period since
1446 the last statement;

1447 (iii) total contributions and public service assistance received to date;

1448 (iv) total expenditures during the period since the last statement; and

1449 (v) total expenditures to date; and

1450 (j) the name of ~~[a]~~ each political action committee for which the legislative office
1451 candidate ~~[or legislative officeholder]~~ is designated as an officer who has primary

1452 decision-making authority under Section 20A-11-601.

1453 ~~[(4)]~~ (5) (a) In preparing each interim report described in Subsection (3), all receipts
1454 and expenditures shall be reported as of five days before the required filing date of the report.

1455 (b) Any negotiable instrument or check received by a legislative office candidate [~~or~~
1456 ~~legislative officeholder~~] more than five days before the required filing date of a report required
1457 by this section shall be included in the interim report.

1458 Section 14. Section 20A-11-304 is amended to read:

1459 **20A-11-304. Legislative office candidate -- Financial reporting requirements --**

1460 **Termination of duty to report.**

1461 (1) Each legislative office candidate seeking appointment for a midterm vacancy is
1462 subject to interim reporting requirements until:

1463 [~~(a) the candidate withdraws or is eliminated in a convention or primary; or~~]

1464 [~~(b) if seeking appointment as a midterm vacancy legislative office candidate.~~]

1465 [(i)] (a) the political party liaison fails to forward the person's name to the governor; or

1466 [(ii)] (b) the governor fails to appoint the person to fill the vacancy.

1467 (2) Each legislative office candidate is subject to [~~year-end summary~~] reporting
1468 requirements until the candidate has filed a statement of dissolution with the lieutenant
1469 governor stating that:

1470 (a) the legislative office candidate is no longer receiving contributions and is no longer
1471 making expenditures;

1472 (b) the ending balance on the last summary report filed is zero and the balance in the
1473 separate bank account required in Section 20A-11-301 is zero; and

1474 (c) a final summary report in the form required by Section 20A-11-302 showing a zero
1475 balance is attached to the statement of dissolution.

1476 (3) A statement of dissolution and a final summary report may be filed at any time.

1477 (4) Each former legislative office candidate who is not an officeholder shall continue to
1478 file the year-end summary report required by Section 20A-11-302 until the statement of
1479 dissolution and final summary report required by this section are filed with the lieutenant
1480 governor.

1481 Section 15. Section 20A-11-305 is amended to read:

1482 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

1483 (1) A legislative office candidate who fails to file a financial statement before the
1484 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

1485 ~~[(2) If a legislative office candidate fails to file an interim report described in
1486 Subsections 20A-11-303(1)(b)(ii) through (iv), the lieutenant governor may send an electronic
1487 notice to the legislative office candidate and the political party of which the legislative office
1488 candidate is a member, if any, that states:]~~

1489 ~~[(a) that the legislative office candidate failed to timely file the report; and]~~

1490 ~~[(b) that, if the legislative office candidate fails to file the report within 24 hours after
1491 the deadline for filing the report, the legislative office candidate will be disqualified and the
1492 political party will not be permitted to replace the candidate.]~~

1493 ~~[(3) (a) The lieutenant governor shall disqualify a legislative office candidate and
1494 inform the county clerk and other appropriate election officials that the legislative office
1495 candidate is disqualified if the legislative office candidate fails to file an interim report
1496 described in Subsections 20A-11-303(1)(b)(ii) through (iv) within 24 hours after the deadline
1497 for filing the report.]~~

1498 ~~[(b) The political party of a legislative office candidate who is disqualified under
1499 Subsection (3)(a) may not replace the legislative office candidate.]~~

1500 ~~[(4) (a) If a legislative office candidate is disqualified under Subsection (3)(a), the
1501 election officer shall:]~~

1502 ~~[(i) remove the legislative office candidate's name from the ballot; or]~~

1503 ~~[(ii) if removing the legislative office candidate's name from the ballot is not
1504 practicable, inform the voters by any practicable method that the legislative office candidate
1505 has been disqualified and that votes cast for the legislative office candidate will not be
1506 counted.]~~

1507 ~~[(b) An election official may fulfill the requirement described in Subsection (4)(a) in
1508 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a
1509 written notice directing the voter to a public website that will inform the voter whether a
1510 candidate on the ballot is disqualified.]~~

1511 ~~[(5) A legislative office candidate is not disqualified if:]~~

1512 ~~[(a) the legislative office candidate files the reports described in Subsections
1513 20A-11-303(1)(b)(ii) through (iv) no later than 24 hours after the applicable deadlines for filing~~

1514 the reports;]

1515 ~~[(b) the reports are completed, detailing accurately and completely the information~~
1516 ~~required by this part except for inadvertent omissions or insignificant errors or inaccuracies;~~
1517 ~~and]~~

1518 ~~[(c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected~~
1519 ~~in an amended report or the next scheduled report.]~~

1520 [(6)] (2) (a) Within 60 days after a deadline for the filing of a summary report or the
1521 filing of a financial statement, the lieutenant governor shall review each filed summary report
1522 or filed financial statement to ensure that:

1523 (i) each former legislative office candidate that is required to file a summary report has
1524 filed one; and

1525 (ii) each summary report or financial statement contains the information required by
1526 this part.

1527 (b) If it appears that ~~[any legislative office candidate]~~ an individual has failed to file the
1528 summary report or a financial statement required by law, if it appears that a filed summary
1529 report or a financial statement does not conform to the law, or if the lieutenant governor has
1530 received a written complaint alleging a violation of the law or the falsity of any summary report
1531 or financial statement, the lieutenant governor shall, within five days of discovery of a violation
1532 or receipt of a written complaint, notify the legislative office candidate of the violation or
1533 written complaint and direct the legislative office candidate to file a summary report or
1534 financial statement correcting the problem.

1535 (c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary
1536 report or financial statement within seven days after receiving notice from the lieutenant
1537 governor described in this Subsection [(6)] (2).

1538 (ii) Each legislative office candidate who violates Subsection [(6)] (2)(c)(i) is guilty of
1539 a class B misdemeanor.

1540 (iii) The lieutenant governor shall report all violations of Subsection [(6)] (2)(c)(i) to
1541 the attorney general.

1542 (iv) In addition to the criminal penalty described in Subsection [(6)] (2)(c)(ii), the
1543 lieutenant governor shall impose a civil fine of \$100 against a legislative office candidate who
1544 violates Subsection [(6)] (2)(c)(i).

1545 Section 16. Section **20A-11-403** is amended to read:

1546 **20A-11-403. Failure to file -- Penalties.**

1547 (1) Within 60 days after a deadline for the filing of a summary report, the lieutenant
1548 governor shall review each filed summary report to ensure that:

1549 (a) each officeholder that is required to file a summary report has filed one; and

1550 (b) each summary report contains the information required by this part.

1551 (2) If it appears that any officeholder has failed to file the summary report required by
1552 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
1553 governor has received a written complaint alleging a violation of the law or the falsity of any
1554 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
1555 violation has occurred:

1556 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and

1557 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1558 the officeholder of the violation or written complaint and direct the officeholder to file a
1559 summary report correcting the problem.

1560 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
1561 within seven days after receiving notice from the lieutenant governor under this section.

1562 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
1563 misdemeanor.

1564 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1565 attorney general.

1566 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
1567 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1568 (3)(a).

1569 ~~[(4) Within 60 days after a deadline for the filing of an interim report by an
1570 officeholder under Subsection [20A-11-204](#)(2), [20A-11-303](#)(1)(c), or [20A-11-1303](#)(1)(d), the
1571 lieutenant governor shall review each filed interim report to ensure that each interim report
1572 contains the information required for the report.]~~

1573 ~~[(5) If it appears that any officeholder has failed to file an interim report required by
1574 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant
1575 governor has received a written complaint alleging a violation of the law or the falsity of any~~

1576 interim report, the lieutenant governor shall, if the lieutenant governor determines that a
1577 violation has occurred:]

1578 [~~(a) impose a fine against the filing entity in accordance with Section 20A-11-1005;~~
1579 and]

1580 [~~(b) within five days after the day on which the violation is discovered or a written
1581 complaint is received, notify the officeholder of the violation or written complaint and direct
1582 the officeholder to file an interim report correcting the problem.]~~

1583 [~~(6)(a) It is unlawful for any officeholder to fail to file or amend an interim report
1584 within seven days after the day on which the officeholder receives notice from the lieutenant
1585 governor under this section.]~~

1586 [~~(b) Each officeholder who violates Subsection (6)(a) is guilty of a class B
1587 misdemeanor.]~~

1588 [~~(c) The lieutenant governor shall report all violations of Subsection (6)(a) to the
1589 attorney general.]~~

1590 [~~(d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant
1591 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1592 (6)(a).]~~

1593 Section 17. Section 20A-11-705 is amended to read:

1594 **20A-11-705. Notice of in-kind contributions.**

1595 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in
1596 accordance with Subsection (2), provide the reporting entity a written notice that includes:

- 1597 (a) the name and address of the corporation;
1598 (b) the date of the in-kind expenditure;
1599 (c) a description of the in-kind expenditure; and
1600 (d) the value, in dollars, of the in-kind expenditure.

1601 (2) A corporation shall provide the written notice described in Subsection (1) to the
1602 reporting entity:

1603 (a) except as provided in Subsection (2)(b), within 31 days after the day on which the
1604 corporation makes the in-kind contribution; or

1605 (b) within [~~three~~] seven business days after the day on which the corporation makes the
1606 in-kind contribution, if:

1607 (i) the in-kind contribution is to a candidate who is contested in a convention and the
1608 corporation makes the in-kind contribution within 30 days before the day on which the
1609 convention is held;

1610 (ii) the in-kind contribution is to a candidate who is contested in a primary election and
1611 the corporation makes the in-kind contribution within 30 days before the day on which the
1612 primary election is held; or

1613 (iii) the in-kind contribution is to a candidate who is contested in a general election and
1614 the corporation makes the in-kind contribution within 30 days before the day on which the
1615 general election is held.

1616 (3) A corporation that provides, and a reporting entity that receives, the written notice
1617 described in Subsection (1) shall retain a copy of the notice for five years after the day on
1618 which the written notice is provided to the reporting entity.

1619 (4) A corporation or reporting entity that fails to comply with the requirements of this
1620 section is guilty of a class B misdemeanor.

1621 (5) A person that intentionally or knowingly provides, or conspires to provide, false
1622 information on a written notice described in this section is guilty of a class B misdemeanor.

1623 Section 18. Section **20A-11-801** is amended to read:

1624 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
1625 **providing false information or accepting unlawful contribution.**

1626 (1) (a) Unless the political issues committee has filed a notice of dissolution under
1627 Subsection (4), each political issues committee shall file a statement of organization with the
1628 lieutenant governor's office:

1629 (i) before 5 p.m. on January 10 of each year; or

1630 (ii) electronically, before midnight on January 10 of each year.

1631 (b) If a political issues committee is organized after the filing deadline described in
1632 Subsection (1)(a), the political issues committee shall file an initial statement of organization
1633 no later than seven days after the day on which the political issues committee:

1634 (i) receives political issues contributions totaling at least \$750; or

1635 (ii) distributes political issues expenditures totaling at least \$750.

1636 (c) Each political issues committee shall deposit each contribution received into one or
1637 more separate accounts in a financial institution that are dedicated only to that purpose.

1638 (2) (a) Each political issues committee shall designate two officers that have primary
1639 decision-making authority for the political issues committee.

1640 (b) An individual may not exercise primary decision-making authority for a political
1641 issues committee if the individual is not designated under Subsection (2)(a).

1642 (3) The statement of organization shall include:

1643 (a) the name and address of the political issues committee;

1644 (b) the name, address, phone number, occupation, and title of the two primary officers
1645 designated under Subsection (2);

1646 (c) the name, address, occupation, and title of all other officers of the political issues
1647 committee;

1648 (d) the name and address of the organization, individual, corporation, association, unit
1649 of government, or union that the political issues committee represents, if any;

1650 (e) the name and address of all affiliated or connected organizations and their
1651 relationships to the political issues committee;

1652 (f) the name, residential address, business address, occupation, and phone number of
1653 the committee's treasurer or chief financial officer;

1654 (g) the name, address, and occupation of each member of the supervisory and advisory
1655 boards, if any; and

1656 (h) the ballot proposition whose outcome they wish to affect, and whether they support
1657 or oppose it.

1658 (4) (a) A registered political issues committee that intends to permanently cease
1659 operations during a calendar year shall:

1660 (i) dispose of all remaining funds by returning the funds to donors or donating the
1661 funds to an organization that is exempt from federal income taxation under Section 501(c)(3),
1662 Internal Revenue Code; and

1663 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the
1664 lieutenant governor's office.

1665 (b) A political issues committee may not donate money to a political action committee,
1666 but may accept a contribution from a political action committee.

1667 (c) Any notice of dissolution filed by a political issues committee does not exempt that
1668 political issues committee from complying with the financial reporting requirements of this

1669 chapter in relation to all contributions received, and all expenditures made, before, at, or after
1670 dissolution.

1671 (d) A political issues committee shall report all money donated or expended under
1672 Subsection (4)(a) in a financial report to the lieutenant governor, in accordance with the
1673 financial reporting requirements described in this chapter.

1674 (5) (a) Unless the political issues committee has filed a notice of dissolution under
1675 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
1676 notice of any change of an officer described in Subsection (2).

1677 (b) A political issues committee shall:

1678 (i) file a notice of a change of a primary officer described in Subsection (2)(a) before 5
1679 p.m. within 10 days after the day on which the change occurs; and

1680 (ii) include in the notice of change the name and title of the officer being replaced and
1681 the name, address, occupation, and title of the new officer.

1682 (6) (a) A person is guilty of providing false information in relation to a political issues
1683 committee if the person intentionally or knowingly gives false or misleading material
1684 information in the statement of organization or the notice of change of primary officer.

1685 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting
1686 an unlawful contribution if the political issues committee knowingly or recklessly accepts a
1687 contribution from a corporation that:

1688 (i) was organized less than 90 days before the date of the general election; and

1689 (ii) at the time the political issues committee accepts the contribution, has failed to file
1690 a statement of organization with the lieutenant governor's office as required by Section

1691 [20A-11-704](#).

1692 (c) A violation of this Subsection (6) is a third degree felony.

1693 (7) (a) As used in this Subsection (7), "received" means:

1694 (i) for a cash contribution, that the cash is given to a political issues committee;

1695 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1696 instrument or check is negotiated; and

1697 (iii) for any other type of contribution, that any portion of the contribution's benefit
1698 inures to the political issues committee.

1699 (b) Each political issues committee shall report to the lieutenant governor each

1700 contribution received by the political issues committee within [~~three~~] seven business days after
1701 the day on which the contribution is received if the contribution is received within 30 days
1702 before the last day on which the sponsors of the initiative or referendum described in
1703 Subsection [20A-11-801\(3\)\(h\)](#) may submit signatures to qualify the initiative or referendum for
1704 the ballot.

1705 (c) For each contribution that a political issues committee fails to report within the
1706 period described in Subsection (7)(b), the lieutenant governor shall impose a fine against the
1707 political issues committee in an amount equal to:

1708 (i) 10% of the amount of the contribution, if the political issues committee reports the
1709 contribution within 60 days after the last day on which the political issues committee should
1710 have reported the contribution under Subsection (7)(b); or

1711 (ii) 20% of the amount of the contribution, if the political issues committee fails to
1712 report the contribution within 60 days after the last day on which the political issues committee
1713 should have reported the contribution under Subsection (7)(b).

1714 (d) The lieutenant governor shall:

1715 (i) deposit money received under Subsection (7)(c) into the General Fund; and

1716 (ii) report on the lieutenant governor's website, in the location where reports relating to
1717 each political issues committee are available for public access:

1718 (A) each fine imposed by the lieutenant governor against the political issues
1719 committee;

1720 (B) the amount of the fine;

1721 (C) the amount of the contribution to which the fine relates; and

1722 (D) the date of the contribution.

1723 Section 19. Section [20A-11-1301](#) is amended to read:

1724 **20A-11-1301. School board office -- Campaign finance requirements -- Candidate**
1725 **as a political action committee officer -- No personal use -- Contribution reporting**
1726 **deadline -- Report other accounts -- Anonymous contributions.**

1727 (1) (a) (i) Each school board office candidate shall deposit each contribution received
1728 in one or more separate accounts in a financial institution that are dedicated only to that
1729 purpose.

1730 (ii) A school board office candidate may:

1731 (A) receive a contribution from a political action committee registered under Section
1732 20A-11-601; and

1733 (B) be designated by a political action committee as an officer who has primary
1734 decision-making authority as described in Section 20A-11-601.

1735 (b) A school board office candidate may not use money deposited in an account
1736 described in Subsection (1)(a)(i) for:

1737 (i) a personal use expenditure; or

1738 (ii) an expenditure prohibited by law.

1739 (c) (i) Each school board officeholder shall deposit each contribution and public
1740 service assistance received in one or more separate accounts in a financial institution that are
1741 dedicated only to that purpose.

1742 (ii) A school board officeholder may:

1743 (A) receive a contribution or public service assistance from a political action
1744 committee registered under Section 20A-11-601; and

1745 (B) be designated by a political action committee as an officer who has primary
1746 decision-making authority as described in Section 20A-11-601.

1747 (d) A school board officeholder may not use money deposited in an account described
1748 in Subsection (1)(a)(i) or (1)(c)(i) for:

1749 (i) a personal use expenditure; or

1750 (ii) an expenditure prohibited by law.

1751 (2) (a) A school board office candidate may not deposit or mingle any contributions
1752 received into a personal or business account.

1753 (b) A school board officeholder may not deposit or mingle any contributions or public
1754 service assistance received into a personal or business account.

1755 (3) A school board office candidate or school board officeholder may not make any
1756 political expenditures prohibited by law.

1757 (4) If a person who is no longer a school board office candidate chooses not to expend
1758 the money remaining in a campaign account, the person shall continue to file the year-end
1759 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1760 summary report required by Section 20A-11-1304 are filed with the lieutenant governor.

1761 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who

1762 is no longer a school board office candidate may not expend or transfer the money in a
1763 campaign account in a manner that would cause the former school board office candidate to
1764 recognize the money as taxable income under federal tax law.

1765 (b) A person who is no longer a school board office candidate may transfer the money
1766 in a campaign account in a manner that would cause the former school board office candidate
1767 to recognize the money as taxable income under federal tax law if the transfer is made to a
1768 campaign account for federal office.

1769 (6) (a) As used in this Subsection (6), "received" means the same as that term is
1770 defined in Subsection [20A-11-1303](#)(1)(a).

1771 (b) Except as provided in Subsection (6)(d), each school board office candidate shall
1772 report to the chief election officer:

1773 (i) each contribution received and expenditure made by the school board office
1774 candidate[: (i) ~~except as provided in Subsection (6)(b)(ii);~~] within 31 days after the day on
1775 which the contribution is received[;] or the expenditure is made;

1776 (ii) for each contribution received, within [~~three~~] seven business days after the day on
1777 which the contribution is received, if:

1778 (A) the school board office candidate is contested in a convention and the contribution
1779 is received within 30 days before the day on which the convention is held;

1780 (B) the school board office candidate is contested in a primary election and the
1781 contribution is received within 30 days before the day on which the primary election is held; or

1782 (C) the school board office candidate is contested in a general election and the
1783 contribution is received within 30 days before the day on which the general election is held[-];
1784 and

1785 (iii) with each report made under Subsection (6)(b)(i), the name of each political action
1786 committee for which the school board office candidate is designated as an officer who has
1787 primary decision-making authority under Section [20A-11-601](#).

1788 (c) For each contribution or expenditure that a school board office candidate fails to
1789 report within the time period described in Subsection (6)(b), the chief election officer shall
1790 impose a fine against the school board office candidate in an amount equal to:

1791 (i) 10% of the amount of the contribution or expenditure, if the school board office
1792 candidate reports the contribution or expenditure within 60 days after the day on which the

1793 time period described in Subsection (6)(b) ends; or

1794 (ii) 20% of the amount of the contribution or expenditure, if the school board office
1795 candidate fails to report the contribution or expenditure within 60 days after the day on which
1796 the time period described in Subsection (6)(b) ends.

1797 (d) The lieutenant governor may waive the fine described in Subsection (6)(c) and
1798 issue a warning to the school board office candidate if:

1799 (i) the contribution that the school board office candidate fails to report is paid by the
1800 school board office candidate from the school board office candidate's personal funds;

1801 (ii) the school board office candidate has not previously violated Subsection (6)(c) in
1802 relation to a contribution paid by the school board office candidate from the school board office
1803 candidate's personal funds; and

1804 (iii) the lieutenant governor determines that the failure to timely report the contribution
1805 is due to the school board office candidate not understanding that the reporting requirement
1806 includes a contribution paid by a school board office candidate from the school board office
1807 candidate's personal funds.

1808 (e) The chief election officer shall:

1809 (i) deposit money received under Subsection (6)(c) into the General Fund; and

1810 (ii) report on the chief election officer's website, in the location where reports relating
1811 to each school board office candidate are available for public access:

1812 (A) each fine imposed by the chief election officer against the school board office
1813 candidate;

1814 (B) the amount of the fine;

1815 (C) the amount of the contribution or expenditure to which the fine relates; and

1816 (D) the date of the contribution or expenditure.

1817 (7) Within 31 days after receiving a contribution that is cash or a negotiable
1818 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall
1819 disburse the contribution to [~~(a) the treasurer of the state or a political subdivision for deposit~~
1820 ~~into the state's or political subdivision's general fund; or (b)] an organization that is exempt
1821 from federal income taxation under Section 501(c)(3), Internal Revenue Code.~~

1822 (8) (a) As used in this Subsection (8), "account" means an account in a financial
1823 institution:

1824 (i) that is not described in Subsection (1)(a)(i); and
1825 (ii) into which or from which a person who, as a candidate for an office, other than a
1826 school board office for which the person files a declaration of candidacy or federal office, or as
1827 a holder of an office, other than a school board office for which the person files a declaration of
1828 candidacy or federal office, deposits a contribution or makes an expenditure.

1829 (b) A school board office candidate shall include on any financial statement filed in
1830 accordance with this part:

1831 (i) a contribution deposited in an account:

1832 (A) since the last campaign [~~finance~~] financial statement was filed; or

1833 (B) that has not been reported under a statute or ordinance that governs the account; or

1834 (ii) an expenditure made from an account:

1835 (A) since the last campaign [~~finance~~] financial statement was filed; or

1836 (B) that has not been reported under a statute or ordinance that governs the account.

1837 Section 20. Section **20A-11-1302** is amended to read:

1838 **20A-11-1302. Former school board office candidate -- Financial reporting**
1839 **requirements -- Year-end summary report.**

1840 (1) (a) Each former school board office candidate who is not an officeholder shall file a
1841 summary report by January 10 of the year after the regular general election year.

1842 (b) [~~In addition to the requirements of Subsection (1)(a), a~~] A former school board
1843 office candidate [~~that~~] who is not an officeholder and who has not filed the statement of
1844 dissolution and final summary report required under Section **20A-11-1304** shall continue to file
1845 a summary report on January 10 of each year.

1846 (2) (a) Each summary report shall include the following information as of December 31
1847 of the previous year:

1848 (i) the net balance of the last financial statement, if any;

1849 [~~(ii) a single figure equal to the total amount of receipts reported on all interim reports,~~
1850 ~~if any, during the previous year;~~]

1851 [~~(iii) a single figure equal to the total amount of expenditures reported on all interim~~
1852 ~~reports, if any, filed during the previous year;~~]

1853 [~~(iv)~~] (ii) a detailed listing of each contribution received since the last summary report
1854 that has not been reported in detail on [~~an interim report~~] a financial statement;

- 1855 [~~(v)~~] (iii) for each nonmonetary contribution:
- 1856 (A) the fair market value of the contribution with that information provided by the
- 1857 contributor; and
- 1858 (B) a specific description of the contribution;
- 1859 [~~(vi)~~] (iv) a detailed listing of each expenditure made since the last summary report that
- 1860 has not been reported in detail on [~~an interim report~~] a financial statement;
- 1861 [~~(vii)~~] (v) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1862 [~~(viii)~~] (vi) a net balance for the year consisting of the net balance from the last
- 1863 summary report, if any, plus all receipts minus all expenditures; and
- 1864 [~~(ix)~~] (vii) the name of a political action committee for which the former school board
- 1865 office candidate is designated as an officer who has primary decision-making authority under
- 1866 Section 20A-11-601.
- 1867 (b) In preparing the report, all receipts and expenditures shall be reported as of
- 1868 December 31 of the previous year.
- 1869 (c) A check or negotiable instrument received by a former school board office
- 1870 candidate on or before December 31 of the previous year shall be included in the summary
- 1871 report.
- 1872 (3) The former school board office candidate shall certify in the summary report that,
- 1873 to the best of the former school board office candidate's knowledge, all receipts and all
- 1874 expenditures have been reported as of December 31 of the previous year and that there are no
- 1875 bills or obligations outstanding and unpaid except as set forth in that report.
- 1876 Section 21. Section **20A-11-1303** is amended to read:
- 1877 **20A-11-1303. School board officeholder -- Financial reporting requirements.**
- 1878 (1) (a) As used in this section, "received" means:
- 1879 (i) for a cash contribution, that the cash is given to a school board office candidate or a
- 1880 member of the school board office candidate's personal campaign committee;
- 1881 (ii) for a contribution that is a check or other negotiable instrument, that the check or
- 1882 other negotiable instrument is negotiated; [~~or~~]
- 1883 (iii) for a direct deposit made into a campaign account by a person not associated with
- 1884 the campaign, the earlier of:
- 1885 (A) the day on which the school board office candidate or a member of the school

1886 board office candidate's personal campaign committee becomes aware of the deposit and the
1887 source of the deposit;

1888 (B) the day on which the school board office candidate or a member of the school
1889 board office candidate's personal campaign committee receives notice of the deposit and the
1890 source of the deposit by mail, email, text, or similar means; or

1891 (C) 31 days after the day on which the direct deposit occurs; or

1892 ~~[(iii)]~~ (iv) for any other type of contribution, that any portion of the contribution's
1893 benefit inures to the school board office candidate.

1894 (b) As used in this Subsection (1), "campaign account" means a separate campaign
1895 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).

1896 ~~[(c) Each school board office candidate shall file an interim report at the following~~
1897 ~~times in any year in which the candidate has filed a declaration of candidacy for a public~~
1898 ~~office:]~~

1899 ~~[(i) May 15;]~~

1900 ~~[(ii) seven days before the regular primary election date;]~~

1901 ~~[(iii) September 30; and]~~

1902 ~~[(iv) seven days before the regular general election date.]~~

1903 ~~[(d) Each school board officeholder who has a campaign account that has not been~~
1904 ~~dissolved under Section 20A-11-1304 shall, in an even year, file an interim report at the~~
1905 ~~following times, regardless of whether an election for the school board officeholder's office is~~
1906 ~~held that year:]~~

1907 ~~[(i) May 15;]~~

1908 ~~[(ii) seven days before the regular primary election date for that year;]~~

1909 ~~[(iii) September 30; and]~~

1910 ~~[(iv) seven days before the regular general election date.]~~

1911 ~~[(2) Each interim report shall include the following information:]~~

1912 ~~[(a) the net balance of the last summary report, if any;]~~

1913 ~~[(b) a single figure equal to the total amount of receipts reported on all prior interim~~
1914 ~~reports, if any, during the calendar year in which the interim report is due;]~~

1915 ~~[(c) a single figure equal to the total amount of expenditures reported on all prior~~
1916 ~~interim reports, if any, filed during the calendar year in which the interim report is due;]~~

- 1917 ~~[(d) a detailed listing of:]~~
- 1918 ~~[(i) for a school board office candidate, each contribution received since the last~~
- 1919 ~~summary report that has not been reported in detail on a prior interim report; or]~~
- 1920 ~~[(ii) for a school board officeholder, each contribution and public service assistance~~
- 1921 ~~received since the last summary report that has not been reported in detail on a prior interim~~
- 1922 ~~report;]~~
- 1923 ~~[(e) for each nonmonetary contribution:]~~
- 1924 ~~[(i) the fair market value of the contribution with that information provided by the~~
- 1925 ~~contributor; and]~~
- 1926 ~~[(ii) a specific description of the contribution;]~~
- 1927 ~~[(f) a detailed listing of each expenditure made since the last summary report that has~~
- 1928 ~~not been reported in detail on a prior interim report;]~~
- 1929 ~~[(g) for each nonmonetary expenditure, the fair market value of the expenditure;]~~
- 1930 ~~[(h) a net balance for the year consisting of the net balance from the last summary~~
- 1931 ~~report, if any, plus all receipts since the last summary report minus all expenditures since the~~
- 1932 ~~last summary report;]~~
- 1933 ~~[(i) a summary page in the form required by the lieutenant governor that identifies:]~~
- 1934 ~~[(i) beginning balance;]~~
- 1935 ~~[(ii) total contributions during the period since the last statement;]~~
- 1936 ~~[(iii) total contributions to date;]~~
- 1937 ~~[(iv) total expenditures during the period since the last statement; and]~~
- 1938 ~~[(v) total expenditures to date; and]~~
- 1939 ~~[(j) the name of a political action committee for which the school board office~~
- 1940 ~~candidate or school board officeholder is designated as an officer who has primary~~
- 1941 ~~decision-making authority under Section [20A-11-601](#).]~~
- 1942 ~~[(3) (a) In preparing each interim report, all receipts and expenditures shall be reported~~
- 1943 ~~as of five days before the required filing date of the report.]~~
- 1944 ~~[(b) Any negotiable instrument or check received by a school board office candidate or~~
- 1945 ~~school board officeholder more than five days before the required filing date of a report~~
- 1946 ~~required by this section shall be included in the interim report.]~~
- 1947 (2) Each school board officeholder who has a campaign account that has not been

1948 dissolved under Section 20A-11-1304 shall report to the chief election officer:

1949 (a) each contribution received and expenditure made by the school board officeholder
1950 within 31 days after the day on which the contribution is received or the expenditure is made;
1951 and

1952 (b) with each report made under Subsection (2)(a), the name of each political action
1953 committee for which the school board officeholder is designated as an officer who has primary
1954 decision-making authority under Section 20A-11-601.

1955 Section 22. Section 20A-11-1304 is amended to read:

1956 **20A-11-1304. School board office candidate -- Financial reporting requirements**
1957 **-- Termination of duty to report.**

1958 ~~[(1) Each school board candidate is subject to interim reporting requirements until the~~
1959 ~~candidate withdraws or is eliminated in a primary.]~~

1960 ~~[(2)]~~ (1) Each school board office candidate is subject to ~~[year-end summary]~~ reporting
1961 requirements until the candidate has filed a statement of dissolution with the lieutenant
1962 governor stating that:

1963 (a) the school board office candidate is no longer receiving contributions and is no
1964 longer making expenditures;

1965 (b) the ending balance on the last summary report filed is zero and the balance in the
1966 separate bank account required in Section 20A-11-1301 is zero; and

1967 (c) a final summary report in the form required by Section 20A-11-1302 showing a
1968 zero balance is attached to the statement of dissolution.

1969 ~~[(3)]~~ (2) A statement of dissolution and a final summary report may be filed at any
1970 time.

1971 ~~[(4)]~~ (3) Each former school board office candidate who is not an officeholder shall
1972 continue to file the year-end summary report required by Section 20A-11-1302 until the
1973 statement of dissolution and final summary report required by this section are filed.

1974 Section 23. Section 20A-11-1305 is amended to read:

1975 **20A-11-1305. School board office candidate -- Failure to file statement --**
1976 **Penalties.**

1977 (1) A school board office candidate who fails to file a financial statement by the
1978 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

1979 ~~[(2) If a school board office candidate fails to file an interim report described in~~
1980 ~~Subsections 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic~~
1981 ~~notice to the school board office candidate and the political party of which the school board~~
1982 ~~office candidate is a member, if any, that states:]~~

1983 ~~[(a) that the school board office candidate failed to timely file the report; and]~~

1984 ~~[(b) that, if the school board office candidate fails to file the report within 24 hours~~
1985 ~~after the deadline for filing the report, the school board office candidate will be disqualified~~
1986 ~~and the political party will not be permitted to replace the candidate.]~~

1987 ~~[(3) (a) The lieutenant governor shall disqualify a school board office candidate and~~
1988 ~~inform the county clerk and other appropriate election officials that the school board office~~
1989 ~~candidate is disqualified if the school board office candidate fails to file an interim report~~
1990 ~~described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24 hours after the deadline~~
1991 ~~for filing the report.]~~

1992 ~~[(b) The political party of a school board office candidate who is disqualified under~~
1993 ~~Subsection (3)(a) may not replace the school board office candidate.]~~

1994 ~~[(4) (a) If a school board office candidate is disqualified under Subsection (3)(a), the~~
1995 ~~election officer shall:]~~

1996 ~~[(i) remove the school board office candidate's name from the ballot; or]~~

1997 ~~[(ii) if removing the school board office candidate's name from the ballot is not~~
1998 ~~practicable, inform the voters by any practicable method that the school board office candidate~~
1999 ~~has been disqualified and that votes cast for the school board office candidate will not be~~
2000 ~~counted.]~~

2001 ~~[(b) An election officer may fulfill the requirement described in Subsection (4)(a) in~~
2002 ~~relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a~~
2003 ~~written notice directing the voter to a public website that will inform the voter whether a~~
2004 ~~candidate on the ballot is disqualified.]~~

2005 ~~[(5) A school board office candidate is not disqualified if:]~~

2006 ~~[(a) the school board office candidate files the reports described in Subsections~~
2007 ~~20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable deadlines for~~
2008 ~~filing the reports;]~~

2009 ~~[(b) the reports are completed, detailing accurately and completely the information~~

2010 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
2011 and]

2012 [~~(c)~~ the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected
2013 in an amended report or the next scheduled report.]

2014 [~~(6)~~] (2) (a) Within 60 days after a deadline for the filing of a summary report or the
2015 filing of a financial statement, the lieutenant governor shall review each filed summary report
2016 or filed financial statement to ensure that:

2017 (i) each school board office candidate who is required to file a summary report has
2018 filed the report; and

2019 (ii) each summary report or financial statement contains the information required by
2020 this part.

2021 (b) If it appears that a school board office candidate has failed to file the summary
2022 report or a financial statement required by law, if it appears that a filed summary report or
2023 financial statement does not conform to the law, or if the lieutenant governor has received a
2024 written complaint alleging a violation of the law or the falsity of any summary report or
2025 financial statement, the lieutenant governor shall, within five days of discovery of a violation or
2026 receipt of a written complaint, notify the school board office candidate of the violation or
2027 written complaint and direct the school board office candidate to file a summary report or
2028 financial statement correcting the problem.

2029 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a
2030 summary report or financial statement within seven days after receiving the notice described in
2031 Subsection [~~(6)~~] (2)(b) from the lieutenant governor.

2032 (ii) Each school board office candidate who violates Subsection [~~(6)~~] (2)(c)(i) is guilty
2033 of a class B misdemeanor.

2034 (iii) The lieutenant governor shall report all violations of Subsection [~~(6)~~] (2)(c)(i) to
2035 the attorney general.

2036 (iv) In addition to the criminal penalty described in Subsection [~~(6)~~] (2)(c)(ii), the
2037 lieutenant governor shall impose a civil fine of \$100 against a school board office candidate
2038 who violates Subsection [~~(6)~~] (2)(c)(i).

2039 Section 24. Section **20A-11-1602** is amended to read:

2040 **20A-11-1602. Definitions.**

2041 As used in this part:

2042 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that
2043 the officeholder reasonably believes may cause direct financial benefit or detriment to the
2044 officeholder, a member of the officeholder's immediate family, or an individual or entity that
2045 the officeholder is required to disclose under the provisions of this section, if that benefit or
2046 detriment is distinguishable from the effects of that action on the public or on the officeholder's
2047 profession, occupation, or association generally.

2048 (2) "Conflict of interest disclosure" means~~[(a) before January 1, 2020, a conflict of~~
2049 ~~interest disclosure form that includes all information required under Section 20A-11-1604, and~~
2050 ~~(b) on or after January 1, 2020,]~~ a disclosure, on the website, of all information required under
2051 Section 20A-11-1604.

2052 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited
2053 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint
2054 venture, a governmental entity, an unincorporated organization, or any other legal entity,
2055 regardless of whether it is established primarily for the purpose of gain or economic profit.

2056 (4) "Filing officer" means:

2057 (a) the lieutenant governor, for the office of a state constitutional officer or State Board
2058 of Education member; or

2059 (b) the lieutenant governor or the county clerk in the county of the candidate's
2060 residence, for a state legislative office.

2061 (5) "Immediate family" means the regulated officeholder's spouse, a child living in the
2062 regulated officeholder's immediate household, or an individual claimed as a dependent for state
2063 or federal income tax purposes by the regulated officeholder.

2064 (6) "Income" means earnings, compensation, or any other payment made to an
2065 individual for gain, regardless of source, whether denominated as wages, salary, commission,
2066 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
2067 reimbursement, dividends, or otherwise.

2068 (7) (a) "Owner or officer" means an individual who owns an ownership interest in an
2069 entity or holds a position where the person has authority to manage, direct, control, or make
2070 decisions for:

2071 (i) the entity or a portion of the entity; or

2072 (ii) an employee, agent, or independent contractor of the entity.

2073 (b) "Owner or officer" includes:

2074 (i) a member of a board of directors or other governing body of an entity; or

2075 (ii) a partner in any type of partnership.

2076 (8) "Preceding year" means the year immediately preceding the day on which the
2077 regulated officeholder makes a conflict of interest disclosure.

2078 (9) "Regulated officeholder" means an individual who is required to make a conflict of
2079 interest disclosure under the provisions of this part.

2080 (10) "State constitutional officer" means the governor, the lieutenant governor, the state
2081 auditor, the state treasurer, or the attorney general.

2082 (11) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure
2083 Website described in Section [20A-11-1602.5](#).

2084 Section 25. Section **20A-11-1602.5** is amended to read:

2085 **20A-11-1602.5. Candidate and Officeholder Conflict of Interest Disclosure**

2086 **Website.**

2087 (1) The lieutenant governor shall, in cooperation with the county clerks, establish and
2088 administer a Candidate and Officeholder Conflict of Interest Disclosure Website.

2089 (2) [~~Beginning no later than January 1, 2020, the~~] The website shall:

2090 (a) permit a candidate or officeholder to securely access the website for the purpose of:

2091 (i) complying with the conflict of interest disclosure requirements described in this
2092 part; and

2093 (ii) editing conflict of interest disclosures;

2094 (b) contain a record of all conflict of interest disclosures and edits made by the
2095 candidate or officeholder for at least the preceding four years; and

2096 (c) permit any person to view a conflict of interest disclosure made by a candidate or
2097 officeholder.

2098 [~~(3) No sooner than January 1, 2020, and before January 11, 2020, each individual who~~
2099 ~~is required to make a conflict of interest disclosure under this part shall, regardless of whether~~
2100 ~~the individual has already made a conflict of interest disclosure by a means other than the~~
2101 ~~website, make a complete and updated conflict of interest disclosure on the website using the~~
2102 ~~secure access described in Subsection (2)(a).]~~

2103 Section 26. Section **20A-11-1603** is amended to read:

2104 **20A-11-1603. Conflict of interest disclosure -- Required when filing for candidacy**
2105 **-- Public availability.**

2106 [~~(1) Beginning on January 1, 2020]~~

2107 (1) (a) Except as provided in Subsection (1)(b), candidates seeking the following
2108 offices shall make a complete conflict of interest disclosure on the website at the time of filing
2109 a declaration of candidacy:

2110 [~~(a)~~] (i) state constitutional officer;

2111 [~~(b)~~] (ii) state legislator; or

2112 [~~(c)~~] (iii) State Board of Education member.

2113 (b) A candidate is not required to comply with Subsection (1)(a) if the candidate:

2114 (i) currently holds the office for which the candidate is seeking reelection;

2115 (ii) already, that same year, filed the conflict of interest disclosure for the office

2116 described in Subsection (1)(b)(i), in accordance Section [20A-11-1604](#); and

2117 (iii) at the time the candidate files the declaration of candidacy, indicates, in writing,

2118 that the conflict of interest disclosure described in Subsection (1)(b)(ii) is updated and accurate

2119 as of the date of filing the declaration of candidacy.

2120 (2) [~~A~~] Except as provided in Subsection (1)(b), a filing officer may not accept a

2121 declaration of candidacy for an office listed in Subsection (1)(a) until the candidate makes a

2122 complete conflict of interest disclosure on the website.

2123 (3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the

2124 same requirements and shall be in the same format as the conflict of interest disclosure

2125 described in Section [20A-11-1604](#).

2126 [~~(4) Until January 1, 2020, the filing officer shall:~~

2127 [~~(a) make each financial disclosure form that the filing officer receives available for~~
2128 ~~public inspection at the filing officer's place of business; and]~~

2129 [~~(b) if the filing officer is not the lieutenant governor, provide each financial disclosure~~
2130 ~~form to the lieutenant governor within one business day after the day on which the candidate~~
2131 ~~files the financial disclosure form.]~~

2132 [~~(5) Until January 1, 2020, the lieutenant governor shall make each financial disclosure~~

2133 ~~form that the lieutenant governor receives available to the public:]~~

2134 [~~(a) at the Office of the Lieutenant Governor; and]~~
2135 [~~(b) on the Statewide Electronic Voter Information Website administered by the~~
2136 ~~lieutenant governor.]~~

2137 [~~(6) Beginning on January 1, 2020, the]~~
2138 (4) The lieutenant governor shall make the complete conflict of interest disclosure
2139 made by each candidate available for public inspection on the website.

2140 Section 27. Section **20A-11-1604** is amended to read:
2141 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with**
2142 **reporting requirements.**

2143 (1) (a) Before or during the execution of any order, settlement, declaration, contract, or
2144 any other official act of office in which a state constitutional officer has actual knowledge that
2145 the state constitutional officer has a conflict of interest that is not stated in the conflict of
2146 interest disclosure, the state constitutional officer shall publicly declare that the state
2147 constitutional officer may have a conflict of interest and what that conflict of interest is.

2148 (b) Before or during any vote on legislation or any legislative matter in which a
2149 legislator has actual knowledge that the legislator has a conflict of interest that is not stated in
2150 the conflict of interest disclosure, the legislator shall orally declare to the committee or body
2151 before which the matter is pending that the legislator may have a conflict of interest and what
2152 that conflict is.

2153 (c) Before or during any vote on any rule, resolution, order, or any other board matter
2154 in which a member of the State Board of Education has actual knowledge that the member has
2155 a conflict of interest that is not stated in the conflict of interest disclosure, the member shall
2156 orally declare to the board that the member may have a conflict of interest and what that
2157 conflict of interest is.

2158 (2) Any public declaration of a conflict of interest that is made under Subsection (1)
2159 shall be noted:

2160 (a) on the official record of the action taken, for a state constitutional officer;
2161 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
2162 applicable, for a legislator; or

2163 (c) in the minutes of the meeting or on the official record of the action taken, for a
2164 member of the State Board of Education.

2165 ~~[(3) (a) Until January 1, 2020, a state constitutional officer shall file a financial~~
2166 ~~disclosure form:]~~

2167 ~~[(i) (A) on January 10 each year, or the following business day if the due date falls on a~~
2168 ~~weekend or holiday; or]~~

2169 ~~[(B) if the state constitutional officer takes office after January 10, within 10 days after~~
2170 ~~the day on which the state constitutional officer takes office; and]~~

2171 ~~[(ii) each time the state constitutional officer changes employment.]~~

2172 ~~[(b) Beginning on January 1, 2020, a]~~

2173 (3) A state constitutional officer shall make a complete conflict of interest disclosure
2174 on the website:

2175 (a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or

2176 ~~[(B)]~~ (ii) if the state constitutional officer takes office after January 10, within 10 days
2177 after the day on which the state constitutional officer takes office; and

2178 ~~[(ii)]~~ (b) each time the state constitutional officer changes employment.

2179 ~~[(c) Until January 1, 2020, a legislator shall file a financial disclosure form:]~~

2180 ~~[(i) (A) on the first day of each general session of the Legislature; or]~~

2181 ~~[(B) if the legislator takes office after the first day of the general session of the~~
2182 ~~Legislature, within 10 days after the day on which the legislator takes office; and]~~

2183 ~~[(ii) each time the legislator changes employment.]~~

2184 ~~[(d) Beginning on January 1, 2020, a]~~

2185 (4) A legislator shall make a complete conflict of interest disclosure on the website:

2186 (a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or

2187 ~~[(B)]~~ (ii) if the legislator takes office after January 10, within 10 days after the day on
2188 which the legislator takes office; and

2189 ~~[(ii)]~~ (b) each time the legislator changes employment.

2190 ~~[(c) Until January 1, 2020, a member of the State Board of Education shall file a~~
2191 ~~financial disclosure form:]~~

2192 ~~[(i) (A) on January 10 of each year, or the following business day if the due date falls~~
2193 ~~on a weekend or holiday; or]~~

2194 ~~[(B) if the member takes office after January 10, within 10 days after the day on which~~
2195 ~~the member takes office; and]~~

2196 ~~[(ii) each time the member changes employment.]~~
2197 ~~[(f) Beginning on January 1, 2020, a]~~
2198 (5) A member of the State Board of Education shall make a complete conflict of
2199 interest disclosure on the website:
2200 (a) (i) ~~[(A)]~~ no sooner than January 1 each year, and before January 11 each year; or
2201 ~~[(B)]~~ (ii) if the member takes office after January 10, within 10 days after the day on
2202 which the member takes office; and
2203 ~~[(ii)]~~ (b) each time the member changes employment.
2204 ~~[(4) The]~~
2205 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall
2206 include:
2207 (a) the regulated officeholder's name;
2208 (b) the name and address of each of the regulated officeholder's current employers and
2209 each of the regulated officeholder's employers during the preceding year;
2210 (c) for each employer described in Subsection ~~[(4)]~~ (6)(b), a brief description of the
2211 employment, including the regulated officeholder's occupation and, as applicable, job title;
2212 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
2213 owner or officer during the preceding year:
2214 (i) the name of the entity;
2215 (ii) a brief description of the type of business or activity conducted by the entity; and
2216 (iii) the regulated officeholder's position in the entity;
2217 (e) in accordance with Subsection ~~[(5)(b)]~~ (7), for each individual from whom, or
2218 entity from which, the regulated officeholder has received \$5,000 or more in income during the
2219 preceding year:
2220 (i) the name of the individual or entity; and
2221 (ii) a brief description of the type of business or activity conducted by the individual or
2222 entity;
2223 (f) for each entity in which the regulated officeholder holds any stocks or bonds having
2224 a fair market value of \$5,000 or more as of the date of the disclosure form or during the
2225 preceding year, but excluding funds that are managed by a third party, including blind trusts,
2226 managed investment accounts, and mutual funds:

- 2227 (i) the name of the entity; and
- 2228 (ii) a brief description of the type of business or activity conducted by the entity;
- 2229 (g) for each entity not listed in Subsections ~~[(4)]~~ (6)(d) through (f) in which the
- 2230 regulated officeholder currently serves, or served in the preceding year, on the board of
- 2231 directors or in any other type of paid leadership capacity:
- 2232 (i) the name of the entity or organization;
- 2233 (ii) a brief description of the type of business or activity conducted by the entity; and
- 2234 (iii) the type of advisory position held by the regulated officeholder;
- 2235 (h) at the option of the regulated officeholder, a description of any real property in
- 2236 which the regulated officeholder holds an ownership or other financial interest that the
- 2237 regulated officeholder believes may constitute a conflict of interest, including a description of
- 2238 the type of interest held by the regulated officeholder in the property;
- 2239 (i) the name of the regulated officeholder's spouse and any other adult residing in the
- 2240 regulated officeholder's household who is not related by blood or marriage, as applicable;
- 2241 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
- 2242 is required to provide under Subsection ~~[(4)]~~ (6)(b);
- 2243 (k) a brief description of the employment and occupation of each adult who:
- 2244 (i) resides in the regulated officeholder's household; and
- 2245 (ii) is not related to the regulated officeholder by blood or marriage;
- 2246 (l) at the option of the regulated officeholder, a description of any other matter or
- 2247 interest that the regulated officeholder believes may constitute a conflict of interest;
- 2248 (m) the date the form was completed;
- 2249 (n) a statement that the regulated officeholder believes that the form is true and
- 2250 accurate to the best of the regulated officeholder's knowledge; and
- 2251 (o) the signature of the regulated officeholder.
- 2252 ~~[(5)(a) Before January 1, 2020, the regulated officeholder shall file the financial~~
- 2253 ~~disclosure form with:]~~
- 2254 ~~[(i) the secretary of the Senate, if the regulated officeholder is a member of the Senate;]~~
- 2255 ~~[(ii) the chief clerk of the House of Representatives, if the regulated officeholder is a~~
- 2256 ~~member of the House of Representatives; or]~~
- 2257 ~~[(iii) the lieutenant governor, if the regulated officeholder is a regulated officeholder~~

2258 ~~other than a regulated officeholder described in Subsection (5)(a)(i) or (ii).]~~

2259 ~~[(b)]~~ (7) In making the disclosure described in Subsection ~~[(4)]~~ (6)(e), a regulated
2260 officeholder who provides goods or services to multiple customers or clients as part of a
2261 business or a licensed profession is only required to provide the information described in
2262 Subsection ~~[(4)]~~ (6)(e) in relation to the entity or practice through which the regulated
2263 officeholder provides the goods or services and is not required to provide the information
2264 described in Subsection ~~[(4)]~~ (6)(e) in relation to the regulated officeholder's individual
2265 customers or clients.

2266 ~~[(6) Until January 1, 2020, the lieutenant governor, the secretary of the Senate, and the~~
2267 ~~chief clerk of the House of Representatives shall ensure that blank conflict of interest~~
2268 ~~disclosure forms are available on the Internet and at their offices.]~~

2269 ~~[(7) Until January 1, 2020, an individual described in Subsection (6) who receives a~~
2270 ~~conflict of interest disclosure form or an amendment to a conflict of interest disclosure form~~
2271 ~~under this section shall make each version of the form, and each amendment to the form,~~
2272 ~~available to the public for the period of time described in Subsection (8), in the following~~
2273 ~~manner:]~~

2274 ~~[(a) on the Internet; and]~~

2275 ~~[(b) at the office where the form or the amendment to the form was filed.]~~

2276 ~~[(8) The period of time that an individual described in Subsection (7) shall make each~~
2277 ~~version of a conflict of interest disclosure form and each amendment to a conflict of interest~~
2278 ~~disclosure form available to the public is:]~~

2279 ~~[(a) two years after the day on which the individual described in Subsection (7)~~
2280 ~~receives the form, for a regulated officeholder in an office that has a normal term of two years~~
2281 ~~or less; or]~~

2282 ~~[(b) four years after the day on which the individual described in Subsection (7)~~
2283 ~~receives the form, for a regulated officeholder in an office that has a normal term of more than~~
2284 ~~two years.]~~

2285 ~~[(9)]~~ (8) The disclosure requirements described in this section do not prohibit a
2286 regulated officeholder from voting or acting on any matter.

2287 ~~[(10)]~~ (9) A regulated officeholder may amend a conflict of interest disclosure
2288 described in this part at any time.

2289 [~~(H)~~] (10) A regulated officeholder who violates the requirements of Subsection (1) is
2290 guilty of a class B misdemeanor.

2291 [~~(I2)~~] (11) (a) A regulated officeholder who intentionally or knowingly violates a
2292 provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.

2293 (b) In addition to the criminal penalty described in Subsection [~~(I2)~~] (11)(a), the
2294 lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who
2295 violates a provision of this section, other than Subsection (1).

2296 Section 28. Section **20A-11-1605** is amended to read:

2297 **20A-11-1605. Failure to file -- Penalties.**

2298 (1) Within 60 days after the day on which a regulated officeholder is required to file a
2299 conflict of interest disclosure under Subsection **20A-11-1604**(3)[~~(a)(i), (b)(i), (c)(i), (d)(i),~~
2300 ~~(e)(i), or (f)(i)~~], (4) or (5), the lieutenant governor shall review each filed conflict of interest
2301 disclosure to ensure that:

2302 (a) each regulated officeholder who is required to file a conflict of interest disclosure
2303 has filed one; and

2304 (b) each conflict of interest disclosure contains the information required under Section
2305 **20A-11-1604**.

2306 (2) The lieutenant governor shall take the action described in Subsection (3) if:

2307 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;

2308 (b) a filed conflict of interest disclosure does not comply with the requirements of
2309 Section **20A-11-1604**; or

2310 (c) the lieutenant governor receives a written complaint alleging a violation of Section
2311 **20A-11-1604**, other than Subsection **20A-11-1604**(1), and after receiving the complaint and
2312 giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor
2313 determines that a violation occurred.

2314 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,
2315 within five days after the day on which the lieutenant governor determines that a violation
2316 occurred, notify the regulated officeholder of the violation and direct the regulated officeholder
2317 to file an amended report correcting the problem.

2318 (4) (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of
2319 interest disclosure within seven days after the day on which the regulated officeholder receives

2320 the notice described in Subsection (3).

2321 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
2322 misdemeanor.

2323 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
2324 attorney general.

2325 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
2326 governor shall impose a civil fine of \$100 against a regulated officeholder who violates
2327 Subsection (4)(a).

2328 (5) The lieutenant governor shall deposit a fine collected under this part into the
2329 General Fund as a dedicated credit to pay for the costs of administering the provisions of this
2330 part.

2331 Section 29. Section **20A-11-1706** is amended to read:

2332 **20A-11-1706. Penalties.**

2333 (1) The chief election officer shall impose a \$100 fine against an individual who fails
2334 to file an independent expenditure report, that includes the information required for the report,
2335 within the time period required by this part.

2336 (2) The chief election officer shall impose a \$1000 fine against a person who is not an
2337 individual who fails to file an independent expenditure report, that includes the information
2338 required for the report, within the time period required by this part.

2339 (3) The chief election officer shall deposit fines collected under this chapter ~~[it]~~ into
2340 the General Fund.

2341 Section 30. Section **20A-12-303** is amended to read:

2342 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

2343 (1) The judge or the judge's personal campaign committee shall deposit each
2344 contribution in one or more separate personal campaign accounts in a financial institution.

2345 (2) The judge or the judge's personal campaign committee may not deposit or mingle
2346 any contributions received into a personal or business account.

2347 (3) (a) As used in this Subsection (3) and Section **20A-12-305**, "received" means:

2348 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
2349 campaign committee;

2350 (ii) for a contribution that is a negotiable instrument or check, that the negotiable

2351 instrument or check is negotiated; and

2352 (iii) for any other type of contribution, that any portion of the contribution's benefit
2353 inures to the judge.

2354 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
2355 governor each contribution received by the judge, within 31 days after the day on which the
2356 contribution is received.

2357 (c) For each contribution that a judge fails to report within the time period described in
2358 Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an amount
2359 equal to:

2360 (i) 10% of the amount of the contribution if the judge reports the contribution within
2361 60 days after the day on which the time period described in Subsection (3)(b) ends; or

2362 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution
2363 within 60 days after the day on which the time period described in Subsection (3)(b) ends.

2364 (d) The lieutenant governor shall:

2365 (i) deposit money received under Subsection (3)(c) into the General Fund; and

2366 (ii) report on the lieutenant governor's website, in the location where reports relating to
2367 each judge are available for public access:

2368 (A) each fine imposed by the lieutenant governor against the judge;

2369 (B) the amount of the fine;

2370 (C) the amount of the contribution to which the fine relates; and

2371 (D) the date of the contribution.

2372 (4) Within 31 days after receiving a contribution that is cash or a negotiable
2373 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal
2374 campaign committee shall disburse the amount of the contribution to ~~[(a) the treasurer of the~~
2375 ~~state or a political subdivision for deposit into the state's or political subdivision's general fund;~~
2376 ~~or (b)]~~ an organization that is exempt from federal income taxation under Section 501(c)(3),
2377 Internal Revenue Code.