

Representative Kraig Powell proposes the following substitute bill:

CAMPAIGN CONTRIBUTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends campaign finance provisions related to anonymous cash contributions and aggregate reporting of cash contributions.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ prohibits an anonymous cash contribution over \$100;
- ▶ requires a candidate to disburse an anonymous cash contribution or public service assistance over \$100 to:
 - the state or political subdivision for deposit into its general fund; or
 - an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- ▶ prohibits a filing entity, other than a candidate, from using an anonymous cash contribution for a political purpose or as a political issues expenditure;
- ▶ allows a filing entity to aggregate on a report contributions that do not exceed \$100;
- ▶ increases the amount at which certain filing entities must report the recipient of an expenditure; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 **AMENDS:**

32 **10-3-208**, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230

33 **17-16-6.5**, as last amended by Laws of Utah 2012, Chapter 230

34 **20A-11-101**, as last amended by Laws of Utah 2012, Chapter 230

35 **20A-11-201**, as last amended by Laws of Utah 2012, Chapter 230

36 **20A-11-203**, as last amended by Laws of Utah 2011, Chapter 347

37 **20A-11-204**, as last amended by Laws of Utah 2011, Chapter 347

38 **20A-11-301**, as last amended by Laws of Utah 2012, Chapter 230

39 **20A-11-302**, as last amended by Laws of Utah 2011, Chapter 347

40 **20A-11-303**, as last amended by Laws of Utah 2011, Chapter 347

41 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347

42 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396

43 **20A-11-506**, as last amended by Laws of Utah 2008, Chapters 14 and 225

44 **20A-11-507**, as last amended by Laws of Utah 2010, Chapter 389

45 **20A-11-510**, as enacted by Laws of Utah 2011, Chapter 396

46 **20A-11-511**, as enacted by Laws of Utah 2011, Chapter 396

47 **20A-11-601**, as last amended by Laws of Utah 2011, Chapter 347

48 **20A-11-602**, as last amended by Laws of Utah 2012, Chapters 69 and 230

49 **20A-11-702**, as last amended by Laws of Utah 2010, Chapter 389

50 **20A-11-801**, as last amended by Laws of Utah 2008, Chapter 225

51 **20A-11-802**, as last amended by Laws of Utah 2012, Chapters 69 and 230

52 **20A-11-904**, as enacted by Laws of Utah 2010, Chapter 389

53 **20A-11-1301**, as last amended by Laws of Utah 2012, Chapter 230

54 **20A-11-1302**, as last amended by Laws of Utah 2011, Chapter 347

55 **20A-11-1303**, as last amended by Laws of Utah 2011, Chapter 347

56 **20A-11-1502**, as enacted by Laws of Utah 2010, Chapter 389

57 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166
58 **20A-12-303**, as last amended by Laws of Utah 2011, Chapter 396
59 **20A-12-304**, as last amended by Laws of Utah 2010, Chapter 389
60 **20A-12-305**, as last amended by Laws of Utah 2011, Chapter 396

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

63 Section 1. Section **10-3-208** is amended to read:

64 **10-3-208. Campaign finance disclosure in municipal election.**

65 (1) As used in this section:

66 (a) "Reporting date" means:

67 (i) 10 days before a municipal general election, for a campaign finance statement

68 required to be filed no later than seven days before a municipal general election; and

69 (ii) the day of filing, for a campaign finance statement required to be filed no later than

70 30 days after a municipal primary or general election.

71 (b) "Reporting limit" means for each calendar year:

72 (i) [~~\$50~~] \$100; or

73 (ii) an amount lower than [~~\$50~~] \$100 that is specified in an ordinance of the

74 municipality.

75 (2) (a) (i) Each candidate for municipal office:

76 (A) shall deposit a campaign contribution in a separate campaign account in a financial

77 institution; and

78 (B) may not deposit or mingle any campaign contributions received into a personal or

79 business account.

80 (ii) Each candidate for municipal office who is not eliminated at a municipal primary

81 election shall file with the municipal clerk or recorder a campaign finance statement:

82 (A) no later than seven days before the date of the municipal general election; and

83 (B) no later than 30 days after the date of the municipal general election.

84 (iii) Each candidate for municipal office who is eliminated at a municipal primary

85 election shall file with the municipal clerk or recorder a campaign finance statement no later

86 than 30 days after the date of the municipal primary election.

87 (b) Each campaign finance statement under Subsection (2)(a) shall:

88 (i) except as provided in Subsection (2)(b)(ii):

89 (A) report all of the candidate's itemized and total:

90 (I) campaign contributions, including in-kind and other nonmonetary contributions,
91 received before the close of the reporting date; and

92 (II) campaign expenditures made through the close of the reporting date; and

93 (B) identify:

94 (I) for each contribution that exceeds the reporting limit, the amount of the contribution
95 and the name of the donor, if known;

96 (II) the aggregate total of all contributions that individually do not exceed the reporting
97 limit; and

98 (III) for each campaign expenditure, the amount of the expenditure and the name of the
99 recipient of the expenditure; or

100 (ii) report the total amount of all campaign contributions and expenditures if the
101 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the
102 candidate's campaign.

103 (c) A person who makes a cash contribution that exceeds the reporting limit shall
104 disclose the person's name to the candidate who receives the contribution.

105 (d) Within 30 days after receiving a cash contribution that exceeds the reporting limit
106 from a donor whose name is unknown, a candidate shall disburse the amount of the
107 contribution to:

108 (i) the treasurer of the state or a political subdivision for deposit into the state's or
109 political subdivision's General Fund; or

110 (ii) an organization that is exempt from federal income taxation under Section
111 501(c)(3), Internal Revenue Code.

112 (3) (a) As used in this Subsection (3), "account" means an account in a financial
113 institution:

114 (i) that is not described in Subsection (2)(a)(i)(A); and

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

119 (b) A municipal office candidate shall include on any campaign finance statement filed
120 in accordance with this section:

121 (i) a contribution deposited in an account:

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

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

124 (ii) an expenditure made from an account:

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

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

127 (4) (a) A municipality may, by ordinance:

128 (i) provide a reporting limit lower than [~~\$50~~] \$100;

129 (ii) require greater disclosure of campaign contributions and expenditures than is
130 required in this section; and

131 (iii) impose additional penalties on candidates who fail to comply with the applicable
132 requirements beyond those imposed by this section.

133 (b) A candidate for municipal office is subject to the provisions of this section and not
134 the provisions of an ordinance adopted by the municipality under Subsection (4)(a) if:

135 (i) the municipal ordinance establishes requirements or penalties that differ from those
136 established in this section; and

137 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
138 ordinance as required in Subsection (5).

139 (5) Each municipal clerk or recorder shall, at the time the candidate for municipal
140 office files a declaration of candidacy, and again 14 days before each municipal general
141 election, notify the candidate in writing of:

142 (a) the provisions of statute or municipal ordinance governing the disclosure of
143 campaign contributions and expenditures;

144 (b) the dates when the candidate's campaign finance statement is required to be filed;
145 and

146 (c) the penalties that apply for failure to file a timely campaign finance statement,
147 including the statutory provision that requires removal of the candidate's name from the ballot
148 for failure to file the required campaign finance statement when required.

149 (6) Notwithstanding any provision of Title 63G, Chapter 2, Government Records

150 Access and Management Act, the municipal clerk or recorder shall:

151 (a) make each campaign finance statement filed by a candidate available for public
152 inspection and copying no later than one business day after the statement is filed; and

153 (b) make the campaign finance statement filed by a candidate available for public
154 inspection by:

155 (i) (A) posting an electronic copy or the contents of the statement on the municipality's
156 website no later than seven business days after the statement is filed; and

157 (B) verifying that the address of the municipality's website has been provided to the
158 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

159 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
160 website established by the lieutenant governor under Section 20A-11-103 no later than two
161 business days after the statement is filed.

162 (7) (a) If a candidate fails to file a campaign finance statement before the municipal
163 general election by the deadline specified in Subsection (2)(a)(ii)(A), the municipal clerk or
164 recorder shall inform the appropriate election official who:

165 (i) shall:

166 (A) if practicable, remove the candidate's name from the ballot by blacking out the
167 candidate's name before the ballots are delivered to voters; or

168 (B) if removing the candidate's name from the ballot is not practicable, inform the
169 voters by any practicable method that the candidate has been disqualified and that votes cast for
170 the candidate will not be counted; and

171 (ii) may not count any votes for that candidate.

172 (b) Notwithstanding Subsection (7)(a), a candidate who files a campaign finance
173 statement seven days before a municipal general election is not disqualified if:

174 (i) the statement details accurately and completely the information required under
175 Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

176 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the
177 next scheduled report.

178 (8) A campaign finance statement required under this section is considered filed if it is
179 received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.

180 (9) (a) A private party in interest may bring a civil action in district court to enforce the

181 provisions of this section or an ordinance adopted under this section.

182 (b) In a civil action under Subsection (9)(a), the court may award costs and attorney
183 fees to the prevailing party.

184 Section 2. Section **17-16-6.5** is amended to read:

185 **17-16-6.5. Campaign financial disclosure in county elections.**

186 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure
187 requirements for candidates for county office.

188 (b) The ordinance required by Subsection (1)(a) shall include:

189 (i) a requirement that each candidate for county office report the candidate's itemized
190 and total campaign contributions and expenditures at least once within the two weeks before
191 the election and at least once within two months after the election;

192 (ii) a definition of "contribution" and "expenditure" that requires reporting of
193 nonmonetary contributions such as in-kind contributions and contributions of tangible things;

194 (iii) a requirement that the financial reports identify:

195 (A) for each contribution of more than [~~\$50~~] \$100, the name of the donor of the
196 contribution, if known, and the amount of the contribution; and

197 (B) for each expenditure, the name of the recipient and the amount of the expenditure;

198 (iv) a requirement that a candidate for county office deposit a contribution in a separate
199 campaign account in a financial institution; [~~and~~]

200 (v) a prohibition against a candidate for county office depositing or mingling any
201 contributions received into a personal or business account[-];

202 (vi) a requirement that a person who makes a cash contribution that exceeds \$100
203 disclose the person's name to the candidate who receives the contribution; and

204 (vii) a requirement that a candidate for county office who receives a cash contribution
205 that exceeds \$100 from a donor whose name is unknown shall, within 30 days after receiving
206 the contribution, disburse the amount of the contribution to:

207 (A) the treasurer of the state or a political subdivision for deposit into the state's or
208 political subdivision's General Fund; or

209 (B) an organization that is exempt from federal income taxation under Section
210 501(c)(3), Internal Revenue Code.

211 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial

212 institution:

213 (A) that is not described in Subsection (1)(b)(iv); and

214 (B) into which or from which a person who, as a candidate for an office, other than a
215 county office for which the person files a declaration of candidacy or federal office, or as a
216 holder of an office, other than a county office for which the person files a declaration of
217 candidacy or federal office, deposits a contribution or makes an expenditure.

218 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a
219 candidate for county office include on a financial report filed in accordance with the ordinance
220 a contribution deposited in or an expenditure made from an account:

221 (A) since the last financial report was filed; or

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

223 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
224 Subsection (1), candidates for county office, other than community council office, shall comply
225 with the financial reporting requirements contained in Subsections (3) through [~~(7)~~] (8).

226 (3) A candidate for elective office in a county:

227 (a) shall deposit a contribution in a separate campaign account in a financial institution;

228 and

229 (b) may not deposit or mingle any contributions received into a personal or business
230 account.

231 (4) Each candidate for elective office in any county who is not required to submit a
232 campaign financial statement to the lieutenant governor shall file a signed campaign financial
233 statement with the county clerk:

234 (a) seven days before the date of the regular general election, reporting each
235 contribution of more than [~~\$50~~] \$100 and each expenditure as of 10 days before the date of the
236 regular general election; and

237 (b) no later than 30 days after the date of the regular general election.

238 (5) (a) The statement filed seven days before the regular general election shall include:

239 (i) a list of each contribution of more than [~~\$50~~] \$100 received by the candidate, and
240 the name of the donor, if known;

241 (ii) an aggregate total of all contributions of [~~\$50~~] \$100 or less received by the
242 candidate; and

243 (iii) a list of each expenditure for political purposes made during the campaign period,
244 and the recipient of each expenditure.

245 (b) The statement filed 30 days after the regular general election shall include:

246 (i) a list of each contribution of more than [~~\$50~~] \$100 received after the cutoff date for
247 the statement filed seven days before the election, and the name of the donor;

248 (ii) an aggregate total of all contributions of [~~\$50~~] \$100 or less received by the
249 candidate after the cutoff date for the statement filed seven days before the election; and

250 (iii) a list of all expenditures for political purposes made by the candidate after the
251 cutoff date for the statement filed seven days before the election, and the recipient of each
252 expenditure.

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

255 (i) that is not described in Subsection (3)(a); and

256 (ii) into which or from which a person who, as a candidate for an office, other than a
257 county office for which the person filed a declaration of candidacy or federal office, or as a
258 holder of an office, other than a county office for which the person filed a declaration of
259 candidacy or federal office, deposits a contribution or makes an expenditure.

260 (b) A county office candidate shall include on any campaign financial statement filed
261 in accordance with Subsection (4) or (5):

262 (i) a contribution deposited in an account:

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

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

265 (ii) an expenditure made from an account:

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

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

268 (7) Within 30 days after receiving a cash contribution that exceeds \$100 from a donor
269 whose name is unknown, a county office candidate shall disburse the amount of the
270 contribution to:

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

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

274 501(c)(3), Internal Revenue Code.

275 [~~(7)~~] (8) Candidates for elective office in any county who are eliminated at a primary
276 election shall file a signed campaign financial statement containing the information required by
277 this section not later than 30 days after the primary election.

278 [~~(8)~~] (9) Any person who fails to comply with this section is guilty of an infraction.

279 [~~(9)~~] (10) Counties may, by ordinance, enact requirements that:

280 (a) require greater disclosure of campaign contributions and expenditures; and

281 (b) impose additional penalties.

282 [~~(10)~~] (11) (a) If a candidate fails to file an interim report due before the election, the
283 county clerk shall, after making a reasonable attempt to discover if the report was timely
284 mailed, inform the appropriate election officials who:

285 (i) (A) shall, if practicable, remove the name of the candidate by blacking out the
286 candidate's name before the ballots are delivered to voters; or

287 (B) shall, if removing the candidate's name from the ballot is not practicable, inform
288 the voters by any practicable method that the candidate has been disqualified and that votes
289 cast for the candidate will not be counted; and

290 (ii) may not count any votes for that candidate.

291 (b) Notwithstanding Subsection [~~(10)~~] (11)(a), a candidate is not disqualified if:

292 (i) the candidate files the reports required by this section;

293 (ii) those reports are completed, detailing accurately and completely the information
294 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;
295 and

296 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
297 the next scheduled report.

298 (c) A report is considered filed if:

299 (i) it is received in the county clerk's office no later than 5 p.m. on the date that it is
300 due;

301 (ii) it is received in the county clerk's office with a United States Postal Service
302 postmark three days or more before the date that the report was due; or

303 (iii) the candidate has proof that the report was mailed, with appropriate postage and
304 addressing, three days before the report was due.

305 ~~[(H)]~~ (12) (a) Any private party in interest may bring a civil action in district court to
306 enforce the provisions of this section or any ordinance adopted under this section.

307 (b) In a civil action filed under Subsection ~~[(H)]~~ (12)(a), the court shall award costs
308 and ~~[attorney's]~~ attorney fees to the prevailing party.

309 ~~[(H)]~~ (13) Notwithstanding any provision of Title 63G, Chapter 2, Government
310 Records Access and Management Act, the county clerk shall:

311 (a) make each campaign finance statement filed by a candidate available for public
312 inspection and copying no later than one business day after the statement is filed; and

313 (b) make the campaign finance statement filed by a candidate available for public
314 inspection by:

315 (i) (A) posting an electronic copy or the contents of the statement on the county's
316 website no later than seven business days after the statement is filed; and

317 (B) verifying that the address of the county's website has been provided to the
318 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

319 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
320 website established by the lieutenant governor under Section 20A-11-103 no later than two
321 business days after the statement is filed.

322 Section 3. Section **20A-11-101** is amended to read:

323 **20A-11-101. Definitions.**

324 As used in this chapter:

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

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

330 (3) "Candidate" means any person who:

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

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

335 (4) "Chief election officer" means:

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

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

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

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

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

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

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

350 (v) remuneration from:

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

352 or

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

354 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
355 market value.

356 (b) "Contribution" does not include:

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

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

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

364 (6) "Coordinated with" means that goods or services provided for the benefit of a
365 candidate or political party are provided:

366 (a) with the candidate's or political party's prior knowledge, if the candidate or political

367 party does not object;

368 (b) by agreement with the candidate or political party;

369 (c) in coordination with the candidate or political party; or

370 (d) using official logos, slogans, and similar elements belonging to a candidate or

371 political party.

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

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

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

378 (b) "Corporation" does not mean:

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

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

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

384 (9) "County political party officer" means a person whose name is required to be
385 submitted by a county political party to the lieutenant governor in accordance with Section
386 20A-8-402.

387 (10) "Detailed listing" means:

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

389 (i) the name and address of the individual or source making the contribution or public
390 service assistance, unless the name or address of the individual or source is unknown;

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

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

393 (b) for each expenditure:

394 (i) the amount of the expenditure;

395 (ii) the person or entity to whom it was disbursed;

396 (iii) the specific purpose, item, or service acquired by the expenditure; and

397 (iv) the date the expenditure was made.

398 (11) "Election" means each:

399 (a) regular general election;

400 (b) regular primary election; and

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

402 (12) "Electioneering communication" means a communication that:

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

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

405 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising

406 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly

407 identified candidate's or judge's election date.

408 (13) (a) "Expenditure" means:

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

410 required by this chapter;

411 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

412 or anything of value made for political purposes;

413 (iii) an express, legally enforceable contract, promise, or agreement to make any

414 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of

415 value for political purposes;

416 (iv) compensation paid by a filing entity for personal services rendered by a person

417 without charge to a reporting entity;

418 (v) a transfer of funds between the filing entity and a candidate's personal campaign

419 committee; or

420 (vi) goods or services provided by the filing entity to or for the benefit of another

421 reporting entity for political purposes at less than fair market value.

422 (b) "Expenditure" does not include:

423 (i) services provided without compensation by individuals volunteering a portion or all

424 of their time on behalf of a reporting entity;

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

426 business; or

427 (iii) anything listed in Subsection (13)(a) that is given by a reporting entity to

428 candidates for office or officeholders in states other than Utah.

429 (14) "Federal office" means the office of President of the United States, United States
430 Senator, or United States Representative.

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

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

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

440 (18) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
441 Incorporation, by which a geographical area becomes legally recognized as a city or town.

442 (19) "Incorporation election" means the election authorized by Section 10-2-111.

443 (20) "Incorporation petition" means a petition authorized by Section 10-2-109.

444 (21) "Individual" means a natural person.

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

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

450 (24) "Legislative office candidate" means a person who:

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

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

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

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

459 (26) "Party committee" means any committee organized by or authorized by the

460 governing board of a registered political party.

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

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

466 (29) "Personal use expenditure" has the same meaning as provided under Section
467 20A-11-104.

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

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

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

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

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

478 (i) a party committee;

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

481 (iii) an individual;

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

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

486 (vi) a personal campaign committee.

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

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

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

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

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

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

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

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

503 (iii) an individual;

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

506 (v) a corporation, except a corporation a major purpose of which is to act as a political
507 issues committee.

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

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

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

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

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

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

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

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

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

524 (34) (a) "Political issues expenditure" means any of the following:

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

527 (A) a ballot proposition; or

528 (B) an incorporation petition or incorporation election;

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

531 (A) a ballot proposition; or

532 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

544 (35) "Political purposes" means an act done with the intent or in a way to influence or
545 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
546 against any candidate or a person seeking a municipal or county office at any caucus, political
547 convention, or election.

548 (36) "Primary election" means any regular primary election held under the election
549 laws.

550 (37) "Public office" means the office of governor, lieutenant governor, state auditor,
551 state treasurer, attorney general, state or local school board member, state senator, state
552 representative, speaker of the House of Representatives, president of the Senate, and the leader,

553 whip, and assistant whip of any party caucus in either house of the Legislature.

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

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

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

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

562 (i) anything provided by the state;

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

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

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

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

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

576 (40) "Receipts" means contributions and public service assistance.

577 (41) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
578 Lobbyist Disclosure and Regulation Act.

579 (42) "Registered political action committee" means any political action committee that
580 is required by this chapter to file a statement of organization with the lieutenant governor's
581 office.

582 (43) "Registered political issues committee" means any political issues committee that
583 is required by this chapter to file a statement of organization with the lieutenant governor's

584 office.

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

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

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

591 (45) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

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

604 (47) "School board office" means the office of state school board or local school board.

605 (48) (a) "Source" means the person or entity that is the legal owner of the tangible or
606 intangible asset that comprises the contribution.

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

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

612 (50) "State office candidate" means a person who:

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

614 (b) receives contributions, makes expenditures, or gives consent for any other person to

615 receive contributions or make expenditures to bring about the person's nomination or election
616 to a state office.

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

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

621 Section 4. Section **20A-11-201** is amended to read:

622 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
623 **-- No personal use -- Report contributions within 30 days -- Report other accounts --**
624 **Anonymous contributions.**

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

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

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

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

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

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

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

646 (5) (a) As used in this Subsection (5) and Section 20A-11-204, "received" means:

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

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

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

653 (b) Each state office candidate shall report each contribution and public service
654 assistance to the lieutenant governor within 30 days after the contribution or public service
655 assistance is received.

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

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

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

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

665 (i) a contribution deposited in an account:

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

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

668 (ii) an expenditure made from an account:

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

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

671 (7) Within 30 days after receiving a cash contribution that exceeds \$100 from an
672 unknown source, a state office candidate shall disburse the amount of the contribution to:

673 (a) the treasurer of the state or a political subdivision for deposit into the state's or
674 political subdivision's General Fund; or

675 (b) an organization that is exempt from federal income taxation under Section
676 501(c)(3), Internal Revenue Code.

677 Section 5. Section **20A-11-203** is amended to read:

678 **20A-11-203. State office candidate -- Financial reporting requirements --**

679 **Year-end summary report.**

680 (1) (a) Each state office candidate shall file a summary report by January 10 of the year
681 after the regular general election year.

682 (b) In addition to the requirements of Subsection (1)(a), a former state office candidate
683 that has not filed the statement of dissolution and final summary report required under Section
684 20A-11-205 shall continue to file a summary report on January 10 of each year.

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

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

688 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
689 if any;

690 (iii) a single figure equal to the total amount of expenditures reported on all interim
691 reports, if any, filed during the previous year;

692 (iv) a detailed listing of each contribution and public service assistance received since
693 the last summary report that has not been reported in detail on an interim report;

694 (v) for each nonmonetary contribution:

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

697 (B) a specific description of the contribution;

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

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

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

703 (ix) the name of a political action committee for which the state office candidate is
704 designated as an officer who has primary decision-making authority under Section
705 20A-11-601.

706 (b) (i) For all single contributions or public service assistance of [~~\$50~~] \$100 or less, a
707 single aggregate figure may be reported without separate detailed listings.

708 (ii) Two or more contributions from the same source that have an aggregate total of
709 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

710 (c) In preparing the report, all receipts and expenditures shall be reported as of
711 December 31 of the previous year.

712 (d) A check or negotiable instrument received by a state office candidate or a state
713 office candidate's personal campaign committee on or before December 31 of the previous year
714 shall be included in the summary report.

715 (3) An authorized member of the state office candidate's personal campaign committee
716 or the state office candidate shall certify in the summary report that, to the best of the person's
717 knowledge, all receipts and all expenditures have been reported as of December 31 of the
718 previous year and that there are no bills or obligations outstanding and unpaid except as set
719 forth in that report.

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

721 **20A-11-204. State office candidate -- Financial reporting requirements -- Interim**
722 **reports.**

723 (1) Each state office candidate shall file an interim report at the following times in any
724 year in which the candidate has filed a declaration of candidacy for a public office:

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

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

727 (c) August 31; and

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

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

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

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

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

735 (d) a detailed listing of each contribution and public service assistance received since
736 the last summary report that has not been reported in detail on a prior interim report;

737 (e) for each nonmonetary contribution:

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

- 739 contributor; and
- 740 (ii) a specific description of the contribution;
- 741 (f) a detailed listing of each expenditure made since the last summary report that has
742 not been reported in detail on a prior interim report;
- 743 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 744 (h) a net balance for the year consisting of the net balance from the last summary
745 report, if any, plus all receipts since the last summary report minus all expenditures since the
746 last summary report;
- 747 (i) a summary page in the form required by the lieutenant governor that identifies:
- 748 (i) beginning balance;
- 749 (ii) total contributions during the period since the last statement;
- 750 (iii) total contributions to date;
- 751 (iv) total expenditures during the period since the last statement; and
- 752 (v) total expenditures to date; and
- 753 (j) the name of a political action committee for which the state office candidate is
754 designated as an officer who has primary decision-making authority under Section
755 20A-11-601.
- 756 (3) (a) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
757 less, a single aggregate figure may be reported without separate detailed listings.
- 758 (b) Two or more contributions from the same source that have an aggregate total of
759 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 760 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
761 as of five days before the required filing date of the report.
- 762 (b) Any negotiable instrument or check received by a state office candidate more than
763 five days before the required filing date of a report required by this section shall be included in
764 the interim report.
- 765 Section 7. Section **20A-11-301** is amended to read:
- 766 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**
767 **Candidate as a political action committee officer -- No personal use -- Report**
768 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**
- 769 (1) (a) (i) Each legislative office candidate shall deposit each contribution and public

770 service assistance received in one or more separate accounts in a financial institution that are
771 dedicated only to that purpose.

772 (ii) A legislative office candidate may:

773 (A) receive a contribution or public service assistance from a political action

774 committee registered under Section 20A-11-601; and

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

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

779 (i) a personal use expenditure; or

780 (ii) an expenditure prohibited by law.

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

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

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

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

795 (5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

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

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

800 (iii) for any other type of contribution, that any portion of the contribution's benefit

801 inures to the legislative office candidate.

802 (b) Each legislative office candidate shall report each contribution and public service
803 assistance to the lieutenant governor within 30 days after the contribution or public service
804 assistance is received.

805 (6) Within 30 days after receiving a cash contribution that exceeds \$100 from an
806 unknown source, a legislative office candidate shall disburse the amount of the contribution to:

807 (a) the treasurer of the state or a political subdivision for deposit into the state's or
808 political subdivision's General Fund; or

809 (b) an organization that is exempt from federal income taxation under Section
810 501(c)(3), Internal Revenue Code.

811 [~~(6)~~] (7) (a) As used in this Subsection [~~(6)~~] (7), "account" means an account in a
812 financial institution:

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

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

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

820 (i) a contribution deposited in an account:

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

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

823 (ii) an expenditure made from an account:

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

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

826 Section 8. Section **20A-11-302** is amended to read:

827 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
828 **Year-end summary report.**

829 (1) (a) Each legislative office candidate shall file a summary report by January 10 of
830 the year after the regular general election year.

831 (b) In addition to the requirements of Subsection (1)(a), a former legislative office

832 candidate that has not filed the statement of dissolution and final summary report required
833 under Section 20A-11-304 shall continue to file a summary report on January 10 of each year.

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

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

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

839 (iii) a single figure equal to the total amount of expenditures reported on all interim
840 reports, if any, filed during the previous year;

841 (iv) a detailed listing of each receipt, contribution, and public service assistance since
842 the last summary report that has not been reported in detail on an interim report;

843 (v) for each nonmonetary contribution:

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

846 (B) a specific description of the contribution;

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

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

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

852 (ix) the name of a political action committee for which the legislative office candidate
853 is designated as an officer who has primary decision-making authority under Section
854 20A-11-601.

855 (b) (i) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
856 less, a single aggregate figure may be reported without separate detailed listings.

857 (ii) Two or more contributions from the same source that have an aggregate total of
858 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

859 (c) In preparing the report, all receipts and expenditures shall be reported as of
860 December 31 of the previous year.

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

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

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

868 **20A-11-303. Legislative office candidate -- Financial reporting requirements --**
869 **Interim reports.**

870 (1) Each legislative office candidate shall file an interim report at the following times
871 in any year in which the candidate has filed a declaration of candidacy for a public office:

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

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

874 (c) August 31; and

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

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

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

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

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

882 (d) a detailed listing of each contribution and public service assistance received since
883 the last summary report that has not been reported in detail on a prior interim report;

884 (e) for each nonmonetary contribution:

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

887 (ii) a specific description of the contribution;

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

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

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

- 894 (i) a summary page in the form required by the lieutenant governor that identifies:
- 895 (i) beginning balance;
- 896 (ii) total contributions during the period since the last statement;
- 897 (iii) total contributions to date;
- 898 (iv) total expenditures during the period since the last statement; and
- 899 (v) total expenditures to date; and
- 900 (j) the name of a political action committee for which the legislative office candidate is
- 901 designated as an officer who has primary decision-making authority under Section
- 902 20A-11-601.

903 (3) (a) For all individual contributions or public service assistance of [~~\$50~~] \$100 or

904 less, a single aggregate figure may be reported without separate detailed listings.

905 (b) Two or more contributions from the same source that have an aggregate total of

906 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

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

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

909 (b) Any negotiable instrument or check received by a legislative office candidate more

910 than five days before the required filing date of a report required by this section shall be

911 included in the interim report.

912 Section 10. Section **20A-11-401** is amended to read:

913 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**

914 **report -- Officeholder as a political action committee officer -- Anonymous public service**

915 **assistance.**

916 (1) (a) Each officeholder shall file a summary report by January 10 of each year.

917 (b) An officeholder that is required to file a summary report both as an officeholder and

918 as a candidate for office under the requirements of this chapter may file a single summary

919 report as a candidate and an officeholder, provided that the combined report meets the

920 requirements of:

921 (i) this section; and

922 (ii) the section that provides the requirements for the summary report filed by the

923 officeholder in the officeholder's capacity of a candidate for office.

924 (2) (a) Each summary report shall include the following information as of December 31

925 of the previous year:

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

927 (ii) a single figure equal to the total amount of receipts received since the last summary
928 report, if any;

929 (iii) a single figure equal to the total amount of expenditures made since the last
930 summary report, if any;

931 (iv) a detailed listing of each contribution and public service assistance received since
932 the last summary report;

933 (v) for each nonmonetary contribution:

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

936 (B) a specific description of the contribution;

937 (vi) a detailed listing of each expenditure made since the last summary report;

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

939 (viii) a net balance for the year consisting of the net balance from the last summary
940 report plus all receipts minus all expenditures; and

941 (ix) the name of a political action committee for which the officeholder is designated
942 as an officer who has primary decision-making authority under Section 20A-11-601.

943 (b) (i) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
944 less, a single aggregate figure may be reported without separate detailed listings.

945 (ii) Two or more contributions from the same source that have an aggregate total of
946 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

947 (c) In preparing the report, all receipts and expenditures shall be reported as of
948 December 31 of the previous year.

949 (3) The summary report shall contain a paragraph signed by the officeholder certifying
950 that, to the best of the officeholder's knowledge, all receipts and all expenditures have been
951 reported as of December 31 of the last calendar year and that there are no bills or obligations
952 outstanding and unpaid except as set forth in that report.

953 (4) An officeholder may:

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

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

958 (5) Within 30 days after receiving a cash contribution or cash public service assistance
959 that exceeds \$100 from an unknown source, an officeholder shall disburse the amount of the
960 contribution or public service assistance to:

961 (a) the treasurer of the state or a political subdivision for deposit into the state's or
962 political subdivision's General Fund; or

963 (b) an organization that is exempt from federal income taxation under Section
964 501(c)(3), Internal Revenue Code.

965 Section 11. Section **20A-11-505.7** is amended to read:

966 **20A-11-505.7. Separate account for contributions for registered political party --**
967 **-- Anonymous contributions to registered political party or county political party.**

968 (1) A registered political party shall deposit a contribution received in one or more
969 separate campaign accounts in a financial institution.

970 (2) A registered political party may not deposit or mingle a contribution received into a
971 personal or business account.

972 (3) A registered political party or county political party may not expend a cash
973 contribution for political purposes or a political issues expenditure if the cash contribution:

974 (a) exceeds \$100; and

975 (b) is from an unknown source.

976 Section 12. Section **20A-11-506** is amended to read:

977 **20A-11-506. Political party financial reporting requirements -- Year-end**
978 **summary report.**

979 (1) The party committee of each registered political party shall file a summary report by
980 January 10 of each year.

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

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

984 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
985 if any, during the previous year;

986 (iii) a single figure equal to the total amount of expenditures reported on all interim

987 reports, if any, filed during the previous year;

988 (iv) a detailed listing of each contribution [~~and public service assistance~~] received since
989 the last summary report that has not been reported in detail on an interim report;

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

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

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

994 (viii) a net balance for the year consisting of the net balance from the last summary
995 report, if any, plus all receipts minus all expenditures.

996 (b) (i) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$100 or
997 less, a single aggregate figure may be reported without separate detailed listings.

998 (ii) Two or more contributions from the same source that have an aggregate total of
999 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

1000 (c) In preparing the report, all receipts and expenditures shall be reported as of
1001 December 31 of the previous year.

1002 (3) The summary report shall contain a paragraph signed by the treasurer of the party
1003 committee certifying that, to the best of the treasurer's knowledge, all receipts and all
1004 expenditures have been reported as of December 31 of the previous year and that there are no
1005 bills or obligations outstanding and unpaid except as set forth in that report.

1006 Section 13. Section **20A-11-507** is amended to read:

1007 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

1008 (1) The party committee of each registered political party shall file an interim report at
1009 the following times in any year in which there is a regular general election:

1010 (a) seven days before the registered political party's political convention;

1011 (b) seven days before the regular primary election date;

1012 (c) August 31; and

1013 (d) seven days before the general election date.

1014 (2) Each interim report shall include the following information:

1015 (a) the net balance of the last financial statement, if any;

1016 (b) a single figure equal to the total amount of receipts reported on all prior interim
1017 reports, if any, during the calendar year in which the interim report is due;

- 1018 (c) a single figure equal to the total amount of expenditures reported on all prior
- 1019 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1020 (d) a detailed listing of each contribution [~~and public service assistance~~] received since
- 1021 the last summary report that has not been reported in detail on a prior interim report;
- 1022 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 1023 (f) a detailed listing of each expenditure made since the last summary report that has
- 1024 not been reported in detail on a prior interim report;
- 1025 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1026 (h) a net balance for the year consisting of the net balance from the last summary
- 1027 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 1028 last summary report; and
- 1029 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1030 (i) beginning balance;
- 1031 (ii) total contributions during the period since the last statement;
- 1032 (iii) total contributions to date;
- 1033 (iv) total expenditures during the period since the last statement; and
- 1034 (v) total expenditures to date.
- 1035 (3) (a) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$100 or
- 1036 less, a single aggregate figure may be reported without separate detailed listings.
- 1037 (b) Two or more contributions from the same source that have an aggregate total of
- 1038 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 1039 (4) In preparing each interim report, all receipts and expenditures shall be reported as
- 1040 of five days before the required filing date of the report.

1041 Section 14. Section **20A-11-510** is amended to read:

1042 **20A-11-510. County political party financial reporting requirements -- Year-end**
1043 **summary report.**

1044 (1) A county political party officer of a county political party that has received

1045 contributions totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$100,

1046 during a calendar year shall file a summary report by January 10 of the following year.

1047 (2) (a) Each summary report shall include the following information as of December 31

1048 of the previous year:

- 1049 (i) the net balance of the last summary report, if any;
- 1050 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1051 if any, filed during the previous year;
- 1052 (iii) a single figure equal to the total amount of expenditures reported on all interim
1053 reports, if any, filed during the previous year;
- 1054 (iv) a detailed listing of each contribution [~~and public service assistance~~] received since
1055 the last summary report that has not been reported in detail on an interim report;
- 1056 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 1057 (vi) a detailed listing of each expenditure made since the last summary report that has
1058 not been reported in detail on an interim report;
- 1059 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 1060 (viii) a net balance for the year consisting of the net balance from the last summary
1061 report, if any, plus all receipts minus all expenditures.
- 1062 (b) (i) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$100 or
1063 less, a single aggregate figure may be reported without separate detailed listings.
- 1064 (ii) Two or more contributions from the same source that have an aggregate total of
1065 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 1066 (c) In preparing the report, all receipts and expenditures shall be reported as of
1067 December 31 of the previous year.
- 1068 (3) The county political party officer shall certify in the summary report that, to the
1069 best of the officer's knowledge, all receipts and all expenditures have been reported as of
1070 December 31 of the previous year and that there are no bills or obligations outstanding and
1071 unpaid except as set forth in that report.
- 1072 Section 15. Section **20A-11-511** is amended to read:
- 1073 **20A-11-511. County political party financial reporting requirements -- Interim**
1074 **reports.**
- 1075 (1) (a) A county political party officer of a county political party that has received
1076 contributions totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$100,
1077 during a calendar year shall file an interim report at the following times in any year in which
1078 there is a regular general election:
- 1079 (i) seven days before the county political party's convention;

- 1080 (ii) seven days before the regular primary election date;
- 1081 (iii) August 31; and
- 1082 (iv) seven days before the general election date.
- 1083 (b) A county political party officer need not file an interim report if it received no
- 1084 contributions or made no expenditures during the reporting period.
- 1085 (2) Each interim report shall include the following information:
- 1086 (a) the net balance of the last financial statement, if any;
- 1087 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 1088 reports, if any, during the calendar year in which the interim report is due;
- 1089 (c) a single figure equal to the total amount of expenditures reported on all prior
- 1090 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1091 (d) a detailed listing of each contribution [~~and public service assistance~~] received since
- 1092 the last summary report that has not been reported in detail on a prior interim report;
- 1093 (e) for each nonmonetary contribution, the fair market value 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; and
- 1100 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1101 (i) beginning balance;
- 1102 (ii) total contributions during the period since the last statement;
- 1103 (iii) total contributions to date;
- 1104 (iv) total expenditures during the period since the last statement; and
- 1105 (v) total expenditures to date.
- 1106 (3) (a) For all individual contributions [~~or public service assistance~~] of [~~\$50~~] \$100 or
- 1107 less, a single aggregate figure may be reported without separate detailed listings.
- 1108 (b) Two or more contributions from the same source that have an aggregate total of
- 1109 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 1110 (4) In preparing each interim report, all receipts and expenditures shall be reported as

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

1112 Section 16. Section **20A-11-601** is amended to read:

1113 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
1114 **providing false information or accepting unlawful contribution.**

1115 (1) (a) Each political action committee shall file a statement of organization with the
1116 lieutenant governor's office by January 10 of each year, unless the political action committee
1117 has filed a notice of dissolution under Subsection (4).

1118 (b) If a political action committee is organized after the January 10 filing date, the
1119 political action committee shall file an initial statement of organization no later than seven days
1120 after:

1121 (i) receiving contributions totaling at least \$750; or

1122 (ii) distributing expenditures for political purposes totaling at least [~~\$50~~] \$100.

1123 (2) (a) Each political action committee shall designate two officers who have primary
1124 decision-making authority for the political action committee.

1125 (b) A person may not exercise primary decision-making authority for a political action
1126 committee who is not designated under Subsection (2)(a).

1127 (3) The statement of organization shall include:

1128 (a) the name and address of the political action committee;

1129 (b) the name, street address, phone number, occupation, and title of the two primary
1130 officers designated under Subsection (2)(a);

1131 (c) the name, street address, occupation, and title of all other officers of the political
1132 action committee;

1133 (d) the name and street address of the organization, individual corporation, association,
1134 unit of government, or union that the political action committee represents, if any;

1135 (e) the name and street address of all affiliated or connected organizations and their
1136 relationships to the political action committee;

1137 (f) the name, street address, business address, occupation, and phone number of the
1138 committee's treasurer or chief financial officer; and

1139 (g) the name, street address, and occupation of each member of the governing and
1140 advisory boards, if any.

1141 (4) (a) Any registered political action committee that intends to permanently cease

1142 operations shall file a notice of dissolution with the lieutenant governor's office.

1143 (b) Any notice of dissolution filed by a political action committee does not exempt that
1144 political action committee from complying with the financial reporting requirements of this
1145 chapter.

1146 (5) (a) Unless the political action committee has filed a notice of dissolution under
1147 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
1148 notice of any change of an officer described in Subsection (2)(a).

1149 (b) Notice of a change of a primary officer described in Subsection (2)(a) shall:

1150 (i) be filed within 10 days of the date of the change; and

1151 (ii) contain the name and title of the officer being replaced, and the name, street
1152 address, occupation, and title of the new officer.

1153 (6) (a) A person is guilty of providing false information in relation to a political action
1154 committee if the person intentionally or knowingly gives false or misleading material
1155 information in the statement of organization or the notice of change of primary officer.

1156 (b) Each primary officer designated in Subsection (2)(a) is guilty of accepting an
1157 unlawful contribution if the political action committee knowingly or recklessly accepts a
1158 contribution from a corporation that:

1159 (i) was organized less than 90 days before the date of the general election; and

1160 (ii) at the time the political action committee accepts the contribution, has failed to file
1161 a statement of organization with the lieutenant governor's office as required by Section
1162 20A-11-704.

1163 (c) A violation of this Subsection (6) is a third degree felony.

1164 Section 17. Section **20A-11-602** is amended to read:

1165 **20A-11-602. Political action committees -- Financial reporting -- Anonymous**
1166 **contributions.**

1167 (1) (a) Each registered political action committee that has received contributions
1168 totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$100, during a calendar
1169 year shall file a verified financial statement with the lieutenant governor's office:

1170 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1171 previous year;

1172 (ii) seven days before the regular primary election date;

- 1173 (iii) on August 31; and
1174 (iv) seven days before:
1175 (A) the municipal general election; and
1176 (B) the regular general election date.
- 1177 (b) The registered political action committee shall report:
1178 (i) a detailed listing of all contributions received and expenditures made since the last
1179 statement; and
1180 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
1181 contributions and expenditures as of five days before the required filing date of the financial
1182 statement.
- 1183 (c) The registered political action committee need not file a statement under this
1184 section if it received no contributions and made no expenditures during the reporting period.
- 1185 (2) (a) The verified financial statement shall include:
1186 (i) the name and address of any individual that makes a contribution to the reporting
1187 political action committee, if known, and the amount of the contribution;
1188 (ii) the identification of any publicly identified class of individuals that makes a
1189 contribution to the reporting political action committee, and the amount of the contribution;
1190 (iii) the name and address of any political action committee, group, or entity, if known,
1191 that makes a contribution to the reporting political action committee, and the amount of the
1192 contribution;
1193 (iv) for each nonmonetary contribution, the fair market value of the contribution;
1194 (v) the name and address of each reporting entity that received an expenditure from the
1195 reporting political action committee, and the amount of each expenditure;
1196 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
1197 (vii) the total amount of contributions received and expenditures disbursed by the
1198 reporting political action committee;
1199 (viii) a statement by the political action committee's treasurer or chief financial officer
1200 certifying that, to the best of the person's knowledge, the financial report is accurate; and
1201 (ix) a summary page in the form required by the lieutenant governor that identifies:
1202 (A) beginning balance;
1203 (B) total contributions during the period since the last statement;

- 1204 (C) total contributions to date;
- 1205 (D) total expenditures during the period since the last statement; and
- 1206 (E) total expenditures to date.
- 1207 (b) (i) Contributions received by a political action committee that have a value of [~~\$50~~
- 1208 \$100 or less need not be reported individually, but shall be listed on the report as an aggregate
- 1209 total.
- 1210 (ii) Two or more contributions from the same source that have an aggregate total of
- 1211 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 1212 (3) A group or entity may not divide or separate into units, sections, or smaller groups
- 1213 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
- 1214 shall prevail over form in determining the scope or size of a political action committee.
- 1215 (4) (a) As used in this Subsection (4), "received" means:
- 1216 (i) for a cash contribution, that the cash is given to a political action committee;
- 1217 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 1218 instrument or check is negotiated; and
- 1219 (iii) for any other type of contribution, that any portion of the contribution's benefit
- 1220 inures to the political action committee.
- 1221 (b) A political action committee shall report each contribution to the lieutenant
- 1222 governor within 30 days after the contribution is received.
- 1223 (5) A political action committee may not expend a cash contribution for political
- 1224 purposes if the cash contribution:
- 1225 (a) exceeds \$100; and
- 1226 (b) is from an unknown source.
- 1227 Section 18. Section **20A-11-702** is amended to read:
- 1228 **20A-11-702. Campaign financial reporting of political issues expenditures by**
- 1229 **corporations -- Financial reporting.**
- 1230 (1) (a) Each corporation that has made political issues expenditures on current or
- 1231 proposed ballot issues that total at least \$750 during a calendar year shall file a verified
- 1232 financial statement with the lieutenant governor's office:
- 1233 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 1234 (ii) seven days before the regular primary election date;

- 1235 (iii) on August 31; and
- 1236 (iv) seven days before the regular general election date.
- 1237 (b) The corporation shall report:
- 1238 (i) a detailed listing of all expenditures made since the last statement; and
- 1239 (ii) for financial statements under Subsections (1)(a)(ii) through (iv), expenditures as of
- 1240 five days before the required filing date of the financial statement.
- 1241 (c) The corporation need not file a statement under this section if it made no
- 1242 expenditures during the reporting period.
- 1243 (2) That statement shall include:
- 1244 (a) the name and address of each individual, entity, or group of individuals or entities
- 1245 that received a political issues expenditure of more than [~~\$50~~] \$100 from the corporation, and
- 1246 the amount of each political issues expenditure;
- 1247 (b) the total amount of political issues expenditures disbursed by the corporation; and
- 1248 (c) a statement by the corporation's treasurer or chief financial officer certifying the
- 1249 accuracy of the verified financial statement.
- 1250 Section 19. Section **20A-11-801** is amended to read:
- 1251 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
- 1252 **providing false information or accepting unlawful contribution.**
- 1253 (1) (a) Each political issues committee shall file a statement of organization with the
- 1254 lieutenant governor's office by January 10 of each year, unless the political issues committee
- 1255 has filed a notice of dissolution under Subsection (4).
- 1256 (b) If a political issues committee is organized after the January 10 filing date, the
- 1257 political issues committee shall file an initial statement of organization no later than seven days
- 1258 after:
- 1259 (i) receiving political issues contributions totaling at least \$750; or
- 1260 (ii) disbursing political issues expenditures totaling at least [~~\$50~~] \$100.
- 1261 (2) Each political issues committee shall designate two officers that have primary
- 1262 decision-making authority for the political issues committee.
- 1263 (3) The statement of organization shall include:
- 1264 (a) the name and street address of the political issues committee;
- 1265 (b) the name, street address, phone number, occupation, and title of the two primary

1266 officers designated under Subsection (2);

1267 (c) the name, street address, occupation, and title of all other officers of the political
1268 issues committee;

1269 (d) the name and street address of the organization, individual, corporation,
1270 association, unit of government, or union that the political issues committee represents, if any;

1271 (e) the name and street address of all affiliated or connected organizations and their
1272 relationships to the political issues committee;

1273 (f) the name, street address, business address, occupation, and phone number of the
1274 committee's treasurer or chief financial officer;

1275 (g) the name, street address, and occupation of each member of the supervisory and
1276 advisory boards, if any; and

1277 (h) the ballot proposition whose outcome they wish to affect, and whether they support
1278 or oppose it.

1279 (4) (a) Any registered political issues committee that intends to permanently cease
1280 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's
1281 office.

1282 (b) Any notice of dissolution filed by a political issues committee does not exempt that
1283 political issues committee from complying with the financial reporting requirements of this
1284 chapter.

1285 (5) (a) Unless the political issues committee has filed a notice of dissolution under
1286 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
1287 notice of any change of an officer described in Subsection (2).

1288 (b) Notice of a change of a primary officer described in Subsection (2) shall:

1289 (i) be filed within 10 days of the date of the change; and

1290 (ii) contain the name and title of the officer being replaced and the name, street
1291 address, occupation, and title of the new officer.

1292 (6) (a) A person is guilty of providing false information in relation to a political issues
1293 committee if the person intentionally or knowingly gives false or misleading material
1294 information in the statement of organization or the notice of change of primary officer.

1295 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
1296 contribution if the political issues committee knowingly or recklessly accepts a contribution

1297 from a corporation that:

1298 (i) was organized less than 90 days before the date of the general election; and
1299 (ii) at the time the political issues committee accepts the contribution, has failed to file
1300 a statement of organization with the lieutenant governor's office as required by Section
1301 20A-11-704.

1302 (c) A violation of this Subsection (6) is a third degree felony.

1303 Section 20. Section **20A-11-802** is amended to read:

1304 **20A-11-802. Political issues committees -- Financial reporting -- Anonymous**
1305 **contributions.**

1306 (1) (a) Each registered political issues committee that has received political issues
1307 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
1308 [~~\$50~~] \$100, during a calendar year, shall file a verified financial statement with the lieutenant
1309 governor's office:

1310 (i) on January 10, reporting contributions and expenditures as of December 31 of the
1311 previous year;

1312 (ii) seven days before the date of an incorporation election, if the political issues
1313 committee has received donations or made disbursements to affect an incorporation;

1314 (iii) at least three days before the first public hearing held as required by Section
1315 20A-7-204.1;

1316 (iv) if the political issues committee has received or expended funds in relation to an
1317 initiative or referendum, at the time the initiative or referendum sponsors submit:

1318 (A) the verified and certified initiative packets as required by Section 20A-7-206; or

1319 (B) the signed and verified referendum packets as required by Section 20A-7-306;

1320 (v) on August 31; and

1321 (vi) seven days before:

1322 (A) the municipal general election; and

1323 (B) the regular general election.

1324 (b) The political issues committee shall report:

1325 (i) a detailed listing of all contributions received and expenditures made since the last
1326 statement; and

1327 (ii) all contributions and expenditures as of five days before the required filing date of

1328 the financial statement, except for a financial statement filed on January 10.

1329 (c) The political issues committee need not file a statement under this section if it
1330 received no contributions and made no expenditures during the reporting period.

1331 (2) (a) That statement shall include:

1332 (i) the name and address, if known, of any individual that makes a political issues
1333 contribution to the reporting political issues committee, and the amount of the political issues
1334 contribution;

1335 (ii) the identification of any publicly identified class of individuals that makes a
1336 political issues contribution to the reporting political issues committee, and the amount of the
1337 political issues contribution;

1338 (iii) the name and address, if known, of any political issues committee, group, or entity
1339 that makes a political issues contribution to the reporting political issues committee, and the
1340 amount of the political issues contribution;

1341 (iv) the name and address of each reporting entity that makes a political issues
1342 contribution to the reporting political issues committee, and the amount of the political issues
1343 contribution;

1344 (v) for each nonmonetary contribution, the fair market value of the contribution;

1345 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
1346 entity, or group of individuals or entities that received a political issues expenditure of more
1347 than [~~\$50~~] \$100 from the reporting political issues committee, and the amount of each political
1348 issues expenditure;

1349 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1350 (viii) the total amount of political issues contributions received and political issues
1351 expenditures disbursed by the reporting political issues committee;

1352 (ix) a statement by the political issues committee's treasurer or chief financial officer
1353 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

1354 (x) a summary page in the form required by the lieutenant governor that identifies:

1355 (A) beginning balance;

1356 (B) total contributions during the period since the last statement;

1357 (C) total contributions to date;

1358 (D) total expenditures during the period since the last statement; and

1359 (E) total expenditures to date.

1360 (b) (i) Political issues contributions received by a political issues committee that have a
1361 value of [~~\$50~~] \$100 or less need not be reported individually, but shall be listed on the report as
1362 an aggregate total.

1363 (ii) Two or more political issues contributions from the same source that have an
1364 aggregate total of more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be
1365 reported separately.

1366 (c) When reporting political issue expenditures made to circulators of initiative
1367 petitions, the political issues committee:

1368 (i) need only report the amount paid to each initiative petition circulator; and

1369 (ii) need not report the name or address of the circulator.

1370 (3) (a) As used in this Subsection (3), "received" means:

1371 (i) for a cash contribution, that the cash is given to a political issues committee;

1372 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1373 instrument or check is negotiated; and

1374 (iii) for any other type of contribution, that any portion of the contribution's benefit
1375 inures to the political issues committee.

1376 (b) A political issues committee shall report each contribution to the lieutenant
1377 governor within 30 days after the contribution is received.

1378 (4) A political issues committee may not expend a cash contribution for a political
1379 issues expenditure if the cash contribution:

1380 (a) exceeds \$100; and

1381 (b) is from an unknown source.

1382 Section 21. Section **20A-11-904** is amended to read:

1383 **20A-11-904. Contribution given in another's name and anonymous contributions**
1384 **prohibited.**

1385 A person may not:

1386 (1) make a contribution in the name of another;

1387 (2) knowingly permit another to make a contribution in the person's name; [~~or~~]

1388 (3) knowingly accept a contribution made by one person in the name of another[~~;~~]; or

1389 (4) make a contribution that exceeds \$100 without disclosing the person's name.

1390 Section 22. Section **20A-11-1301** is amended to read:

1391 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
1392 **Candidate as a political action committee officer -- No personal use -- Report**
1393 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**

1394 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
1395 service assistance received in one or more separate accounts in a financial institution that are
1396 dedicated only to that purpose.

1397 (ii) A school board office candidate may:

1398 (A) receive a contribution or public service assistance from a political action
1399 committee registered under Section 20A-11-601; and

1400 (B) be designated by a political action committee as an officer who has primary
1401 decision-making authority as described in Section 20A-11-601.

1402 (b) A school board office candidate may not use money deposited in an account
1403 described in Subsection (1)(a)(i) for:

1404 (i) a personal use expenditure; or

1405 (ii) an expenditure prohibited by law.

1406 (2) A school board office candidate may not deposit or mingle any contributions or
1407 public service assistance received into a personal or business account.

1408 (3) A school board office candidate may not make any political expenditures prohibited
1409 by law.

1410 (4) If a person who is no longer a school board candidate chooses not to expend the
1411 money remaining in a campaign account, the person shall continue to file the year-end
1412 summary report required by Section 20A-11-1302 until the statement of dissolution and final
1413 summary report required by Section 20A-11-1304 are filed with:

1414 (a) the lieutenant governor in the case of a state school board candidate; and

1415 (b) the county clerk, in the case of a local school board candidate.

1416 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who
1417 is no longer a school board candidate may not expend or transfer the money in a campaign
1418 account in a manner that would cause the former school board candidate to recognize the
1419 money as taxable income under federal tax law.

1420 (b) A person who is no longer a school board candidate may transfer the money in a

1421 campaign account in a manner that would cause the former school board candidate to recognize
1422 the money as taxable income under federal tax law if the transfer is made to a campaign
1423 account for federal office.

1424 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1425 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1426 member of the candidate's personal campaign committee;

1427 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1428 instrument or check is negotiated; and

1429 (iii) for any other type of contribution, that any portion of the contribution's benefit
1430 inures to the school board office candidate.

1431 (b) Each school board office candidate shall report to the chief election officer each
1432 contribution and public service assistance within 30 days after the contribution or public
1433 service assistance is received.

1434 (7) Within 30 days after receiving a cash contribution that exceeds \$100 from an
1435 unknown source, a school board office candidate shall disburse the contribution to:

1436 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1437 political subdivision's General Fund; or

1438 (b) an organization that is exempt from federal income taxation under Section
1439 501(c)(3), Internal Revenue Code.

1440 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "account" means an account in a
1441 financial institution:

1442 (i) that is not described in Subsection (1)(a)(i); and

1443 (ii) into which or from which a person who, as a candidate for an office, other than a
1444 school board office for which the person files a declaration of candidacy or federal office, or as
1445 a holder of an office, other than a school board office for which the person files a declaration of
1446 candidacy or federal office, deposits a contribution or makes an expenditure.

1447 (b) A school board office candidate shall include on any financial statement filed in
1448 accordance with this part:

1449 (i) a contribution deposited in an account:

1450 (A) since the last campaign finance statement was filed; or

1451 (B) that has not been reported under a statute or ordinance that governs the account; or

1452 (ii) an expenditure made from an account:
1453 (A) since the last campaign finance statement was filed; or
1454 (B) that has not been reported under a statute or ordinance that governs the account.
1455 Section 23. Section **20A-11-1302** is amended to read:
1456 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1457 **-- Year-end summary report.**
1458 (1) (a) Each school board office candidate shall file a summary report by January 10 of
1459 the year after the regular general election year.
1460 (b) In addition to the requirements of Subsection (1)(a), a former school board office
1461 candidate that has not filed the statement of dissolution and final summary report required
1462 under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.
1463 (2) (a) Each summary report shall include the following information as of December 31
1464 of the previous year:
1465 (i) the net balance of the last financial statement, if any;
1466 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1467 if any, during the previous year;
1468 (iii) a single figure equal to the total amount of expenditures reported on all interim
1469 reports, if any, filed during the previous year;
1470 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1471 the last summary report that has not been reported in detail on an interim report;
1472 (v) for each nonmonetary contribution:
1473 (A) the fair market value of the contribution with that information provided by the
1474 contributor; and
1475 (B) a specific description of the contribution;
1476 (vi) a detailed listing of each expenditure made since the last summary report that has
1477 not been reported in detail on an interim report;
1478 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
1479 (viii) a net balance for the year consisting of the net balance from the last summary
1480 report, if any, plus all receipts minus all expenditures; and
1481 (ix) the name of a political action committee for which the school board office
1482 candidate is designated as an officer who has primary decision-making authority under Section

1483 20A-11-601.

1484 (b) (i) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
1485 less, a single aggregate figure may be reported without separate detailed listings.

1486 (ii) Two or more contributions from the same source that have an aggregate total of
1487 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

1488 (c) In preparing the report, all receipts and expenditures shall be reported as of
1489 December 31 of the previous year.

1490 (d) A check or negotiable instrument received by a school board office candidate on or
1491 before December 31 of the previous year shall be included in the summary report.

1492 (3) The school board office candidate shall certify in the summary report that, to the
1493 best of the school board office candidate's knowledge, all receipts and all expenditures have
1494 been reported as of December 31 of the previous year and that there are no bills or obligations
1495 outstanding and unpaid except as set forth in that report.

1496 Section 24. Section **20A-11-1303** is amended to read:

1497 **20A-11-1303. School board office candidate -- Financial reporting requirements**
1498 **-- Interim reports.**

1499 (1) Each school board office candidate shall file an interim report at the following
1500 times in any year in which the candidate has filed a declaration of candidacy for a public office:

- 1501 (a) May 15, for state school board office candidates;
- 1502 (b) seven days before the regular primary election date;
- 1503 (c) August 31; and
- 1504 (d) seven days before the regular general election date.

1505 (2) Each interim report shall include the following information:

- 1506 (a) the net balance of the last summary report, if any;
- 1507 (b) a single figure equal to the total amount of receipts reported on all prior interim
1508 reports, if any, during the calendar year in which the interim report is due;
- 1509 (c) a single figure equal to the total amount of expenditures reported on all prior
1510 interim reports, if any, filed during the calendar year in which the interim report is due;
- 1511 (d) a detailed listing of each contribution and public service assistance received since
1512 the last summary report that has not been reported in detail on a prior interim report;
- 1513 (e) for each nonmonetary contribution:

- 1514 (i) the fair market value of the contribution with that information provided by the
1515 contributor; and
- 1516 (ii) a specific description of the contribution;
- 1517 (f) a detailed listing of each expenditure made since the last summary report that has
1518 not been reported in detail on a prior interim report;
- 1519 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 1520 (h) a net balance for the year consisting of the net balance from the last summary
1521 report, if any, plus all receipts since the last summary report minus all expenditures since the
1522 last summary report;
- 1523 (i) a summary page in the form required by the lieutenant governor that identifies:
- 1524 (i) beginning balance;
- 1525 (ii) total contributions during the period since the last statement;
- 1526 (iii) total contributions to date;
- 1527 (iv) total expenditures during the period since the last statement; and
- 1528 (v) total expenditures to date; and
- 1529 (j) the name of a political action committee for which the school board office candidate
1530 is designated as an officer who has primary decision-making authority under Section
1531 20A-11-601.
- 1532 (3) (a) For all individual contributions or public service assistance of [~~\$50~~] \$100 or
1533 less, a single aggregate figure may be reported without separate detailed listings.
- 1534 (b) Two or more contributions from the same source that have an aggregate total of
1535 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.
- 1536 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
1537 as of five days before the required filing date of the report.
- 1538 (b) Any negotiable instrument or check received by a school board office candidate
1539 more than five days before the required filing date of a report required by this section shall be
1540 included in the interim report.
- 1541 Section 25. Section **20A-11-1502** is amended to read:
- 1542 **20A-11-1502. Campaign financial reporting of contributions -- Filing**
1543 **requirements -- Statement contents.**
- 1544 (1) (a) Each labor organization that has made expenditures for political purposes or

1545 political issues expenditures on current or proposed ballot issues that total at least \$750 during
1546 a calendar year shall file a verified financial statement with the lieutenant governor's office:

1547 (i) on January 10, reporting expenditures as of December 31 of the previous year;

1548 (ii) seven days before the regular primary election date;

1549 (iii) on August 31; and

1550 (iv) seven days before the regular general election date.

1551 (b) The labor organization shall report:

1552 (i) a detailed listing of all expenditures made since the last statement; and

1553 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
1554 expenditures as of five days before the required filing date of the financial statement.

1555 (c) The labor organization need not file a financial statement under this section if the
1556 labor organization:

1557 (i) made no expenditures during the reporting period; or

1558 (ii) reports its expenditures during the reporting period under another part of this
1559 chapter.

1560 (2) The financial statement shall include:

1561 (a) the name and address of each reporting entity that received an expenditure or
1562 political issues expenditure of more than [~~\$50~~] \$100 from the labor organization, and the
1563 amount of each expenditure or political issues expenditure;

1564 (b) the total amount of expenditures disbursed by the labor organization; and

1565 (c) a statement by the labor organization's treasurer or chief financial officer certifying
1566 the accuracy of the financial statement.

1567 Section 26. Section **20A-12-301** is amended to read:

1568 **20A-12-301. Definitions.**

1569 As used in this part:

1570 (1) (a) "Contribution" means any of the following when done for political purposes:

1571 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1572 value given to the judge or the judge's personal campaign committee;

1573 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1574 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1575 anything of value to the judge or the judge's personal campaign committee;

1576 (iii) any transfer of funds from another reporting entity or a corporation to the judge or
1577 the judge's personal campaign committee;

1578 (iv) compensation paid by any person or reporting entity other than the judge or the
1579 judge's personal campaign committee for personal services provided without charge to the
1580 judge or the judge's personal campaign committee; and

1581 (v) goods or services provided to or for the benefit of the judge or the judge's personal
1582 campaign committee at less than fair market value.

1583 (b) "Contribution" does not include:

1584 (i) services provided without compensation by individuals volunteering a portion or all
1585 of their time on behalf of the judge or the judge's personal campaign committee; or

1586 (ii) money lent to the judge or the judge's personal campaign committee by a financial
1587 institution in the ordinary course of business.

1588 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1589 organization that is registered as a corporation or is authorized to do business in a state and
1590 makes any expenditure from corporate funds for political purposes.

1591 (b) "Corporation" does not mean:

1592 (i) a business organization's political action committee as defined in Section
1593 20A-11-101 or political issues committee as defined in Section 20A-11-101; or

1594 (ii) a business entity organized as a partnership or a sole proprietorship.

1595 (3) "Detailed listing" means:

1596 (a) for each contribution:

1597 (i) the name and address of the individual or source making the contribution, if known;

1598 (ii) the amount or value of the contribution; and

1599 (iii) the date the contribution was made; and

1600 (b) for each expenditure:

1601 (i) the amount of the expenditure;

1602 (ii) the person or entity to whom it was disbursed;

1603 (iii) the specific purpose, item, or service acquired by the expenditure; and

1604 (iv) the date the expenditure was made.

1605 (4) (a) "Expenditure" means:

1606 (i) any disbursement from contributions or from the separate bank account required by

1607 this chapter;

1608 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1609 or anything of value made for political purposes;

1610 (iii) an express, legally enforceable contract, promise, or agreement to make any
1611 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1612 value for political purposes;

1613 (iv) compensation paid by a corporation or reporting entity for personal services
1614 rendered by a person without charge to the judge or the judge's personal campaign committee;

1615 (v) a transfer of funds between the judge's personal campaign committee and another
1616 judge's personal campaign committee; or

1617 (vi) goods or services provided by the judge's personal campaign committee to or for
1618 the benefit of another judge for political purposes at less than fair market value.

1619 (b) "Expenditure" does not include:

1620 (i) services provided without compensation by individuals volunteering a portion or all
1621 of their time on behalf of the judge or judge's personal campaign committee; or

1622 (ii) money lent to a judge's personal campaign committee by a financial institution in
1623 the ordinary course of business.

1624 (5) "Individual" means a natural person.

1625 (6) "Interim report" means a report identifying the contributions received and
1626 expenditures made since the last report.

1627 (7) "Personal campaign committee" means the committee appointed by a judge to act
1628 for the judge as provided in this chapter.

1629 (8) "Political purposes" means an act done with the intent or in a way to influence or
1630 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1631 against any judge standing for retention at any election.

1632 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,
1633 a candidate's personal campaign committee, an officeholder, and a party committee, a political
1634 action committee, and a political issues committee.

1635 (10) "Summary report" means the year-end report containing the summary of a
1636 reporting entity's contributions and expenditures.

1637 Section 27. Section **20A-12-303** is amended to read:

1638 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1639 (1) The judge or the judge's personal campaign committee shall deposit each
1640 contribution in one or more separate personal campaign accounts in a financial institution.

1641 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1642 any contributions received into a personal or business account.

1643 (3) (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

1644 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1645 campaign committee;

1646 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1647 instrument or check is negotiated; and

1648 (iii) for any other type of contribution, that any portion of the contribution's benefit
1649 inures to the judge.

1650 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1651 governor each contribution within 30 days after the contribution is received.

1652 (4) Within 30 days after receiving a cash contribution that exceeds \$100 from an
1653 unknown source, a judge or the judge's personal campaign committee shall disburse the amount
1654 of the contribution to:

1655 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1656 political subdivision's General Fund; or

1657 (b) an organization that is exempt from federal income taxation under Section
1658 501(c)(3), Internal Revenue Code.

1659 Section 28. Section **20A-12-304** is amended to read:

1660 **20A-12-304. Judicial retention election candidates -- Financial reporting**
1661 **requirements -- Year-end summary report.**

1662 (1) The judge's personal campaign committee shall file a summary report with the
1663 lieutenant governor by January 10 of the year after the regular general election year.

1664 (2) (a) Each summary report shall include the following information as of December 31
1665 of the last regular general election year:

1666 (i) a single figure equal to the total amount of contributions reported on the interim
1667 report;

1668 (ii) a single figure equal to the total amount of expenditures reported on the interim

1669 report;

1670 (iii) a detailed listing of each contribution received since the last summary report that
1671 has not been reported in detail on the interim report;

1672 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1673 (v) a detailed listing of each expenditure made since the last summary report that has
1674 not been reported in detail on the interim report;

1675 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

1676 (vii) the net balance for the year, consisting of all contributions minus all expenditures.

1677 (b) (i) For all single contributions of [~~\$50~~] \$100 or less, an aggregate figure may be
1678 reported without a separate detailed listing.

1679 (ii) Two or more contributions from the same source for a total of more than [~~\$50~~]
1680 \$100 may not be reported in the aggregate, but shall be reported in the detailed listing.

1681 (c) A check or negotiable instrument received by a judge or the judge's personal
1682 campaign committee on or before December 31 of the previous year shall be reported in the
1683 summary report.

1684 (3) The judge shall certify in the summary report that, to the best of the judge's
1685 knowledge, all contributions and all expenditures have been reported as of December 31 of the
1686 last regular general election year and that there are no financial obligations outstanding except
1687 as set forth in the report.

1688 Section 29. Section **20A-12-305** is amended to read:

1689 **20A-12-305. Judicial retention election candidates -- Financial reporting**
1690 **requirements -- Interim report.**

1691 (1) The judge's personal campaign committee shall file an interim report with the
1692 lieutenant governor before the close of regular office hours on the date seven days before the
1693 regular general election date.

1694 (2) Each interim report shall include the following information:

1695 (a) a detailed listing of each contribution received since the last financial statement;

1696 (b) for each nonmonetary contribution, the fair market value of the contribution;

1697 (c) a detailed listing of each expenditure made since the last summary report;

1698 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

1699 (e) a net balance for the year consisting of all contributions since the last summary

1700 report minus all expenditures since the last summary report.

1701 (3) (a) For all individual contributions of [~~\$50~~] \$100 or less, a single aggregate figure
1702 may be reported without separate detailed listings.

1703 (b) Two or more contributions from the same source that have an aggregate total of
1704 more than [~~\$50~~] \$100 may not be reported in the aggregate, but shall be reported separately.

1705 (4) In preparing each interim report, all contributions and expenditures shall be
1706 reported as of five days before the required filing date of the report.

1707 (5) A negotiable instrument or check received by a judge or the judge's personal
1708 campaign committee more than five days before the required filing date of a report required by
1709 this section shall be included in the interim report.