

1 **CAMPAIGN CONTRIBUTIONS AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kraig Powell**

5 Senate Sponsor: Todd Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill amends campaign finance provisions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends definitions;
- 13 ▶ requires a candidate to disburse an anonymous contribution or public service
14 assistance that is cash or a negotiable instrument and over \$50 to:

- 15 • the state or a political subdivision for deposit into its general fund; or
- 16 • an organization that is exempt from federal income taxation under Section
17 501(c)(3), Internal Revenue Code;

- 18 ▶ prohibits a filing entity, other than a candidate, from using an anonymous
19 contribution that is cash or a negotiable instrument in excess of \$50 for a political
20 purpose or as a political issues expenditure;

- 21 ▶ modifies the fine imposed against certain reporting entities that fail to report a
22 contribution; and
- 23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **10-3-208**, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230
- 31 **17-16-6.5**, as last amended by Laws of Utah 2014, Chapter 337
- 32 **20A-11-101**, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
- 33 **20A-11-201**, as last amended by Laws of Utah 2014, Chapter 335
- 34 **20A-11-301**, as last amended by Laws of Utah 2014, Chapter 335
- 35 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347
- 36 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396
- 37 **20A-11-602**, as last amended by Laws of Utah 2013, Chapter 420
- 38 **20A-11-802**, as last amended by Laws of Utah 2013, Chapter 420
- 39 **20A-11-1301**, as last amended by Laws of Utah 2014, Chapters 335 and 337
- 40 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166
- 41 **20A-12-303**, as last amended by Laws of Utah 2014, Chapter 335

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

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

45 **10-3-208. Campaign finance disclosure in municipal election.**

46 (1) As used in this section:

47 (a) "Reporting date" means:

- 48 (i) 10 days before a municipal general election, for a campaign finance statement
- 49 required to be filed no later than seven days before a municipal general election; and
- 50 (ii) the day of filing, for a campaign finance statement required to be filed no later than
- 51 30 days after a municipal primary or general election.

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

53 (i) \$50; or

54 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

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

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

57 institution; and

58 (B) may not deposit or mingle any campaign contributions received into a personal or
59 business account.

60 (ii) Each candidate for municipal office who is not eliminated at a municipal primary
61 election shall file with the municipal clerk or recorder a campaign finance statement:

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

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

64 (iii) Each candidate for municipal office who is eliminated at a municipal primary
65 election shall file with the municipal clerk or recorder a campaign finance statement no later
66 than 30 days after the date of the municipal primary election.

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

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

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

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

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

73 (B) identify:

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

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

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

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

83 (c) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
84 exceeds the reporting limit, and is from a donor whose name is unknown, a candidate shall
85 disburse the amount of the contribution to:

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

88 (ii) an organization that is exempt from federal income taxation under Section
89 501(c)(3), Internal Revenue Code.

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

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

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

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

99 (i) a contribution deposited in an account:

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

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

102 (ii) an expenditure made from an account:

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

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

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

106 (i) provide a reporting limit lower than \$50;

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

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

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

113 (i) the municipal ordinance establishes requirements or penalties that differ from those

114 established in this section; and

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

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

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

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

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

127 (6) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
128 Access and Management Act, the municipal clerk or recorder shall:

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

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

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

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

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

140 (7) (a) If a candidate fails to file a campaign finance statement before the municipal
141 general election by the deadline specified in Subsection (2)(a)(ii)(A), the municipal clerk or

142 recorder shall inform the appropriate election official who:

143 (i) shall:

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

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

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

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

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

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

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

158 (9) (a) A private party in interest may bring a civil action in district court to enforce the
159 provisions of this section or an ordinance adopted under this section.

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

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

163 **17-16-6.5. Campaign financial disclosure in county elections.**

164 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure
165 requirements for:

166 (i) candidates for county office; and

167 (ii) candidates for local school board office who reside in that county.

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

169 (i) a requirement that each candidate for county office or local school board office

170 report the candidate's itemized and total campaign contributions and expenditures at least once
171 within the two weeks before the election and at least once within two months after the election;

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

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

175 (A) for each contribution of more than \$50, the name of the donor of the contribution,
176 if known, and the amount of the contribution; and

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

178 (iv) a requirement that a candidate for county office or local school board office
179 deposit a contribution in a separate campaign account in a financial institution; [~~and~~]

180 (v) a prohibition against a candidate for county office or local school board office
181 depositing or mingling any contributions received into a personal or business account[-]; and

182 (vi) a requirement that a candidate for county office who receives a contribution that is
183 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,
184 shall, within 30 days after receiving the contribution, disburse the amount of the contribution
185 to:

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

188 (B) an organization that is exempt from federal income taxation under Section
189 501(c)(3), Internal Revenue Code.

190 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial
191 institution:

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

193 (B) into which or from which a person who, as a candidate for an office, other than a
194 county office for which the person files a declaration of candidacy or federal office, or as a
195 holder of an office, other than a county office for which the person files a declaration of
196 candidacy or federal office, deposits a contribution or makes an expenditure.

197 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a

198 candidate for county office or local school board office include on a financial report filed in
199 accordance with the ordinance a contribution deposited in or an expenditure made from an
200 account:

- 201 (A) since the last financial report was filed; or
- 202 (B) that has not been reported under a statute or ordinance that governs the account.

203 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
204 Subsection (1), candidates for county office, other than community council office, and
205 candidates for local school board office shall comply with the financial reporting requirements
206 contained in Subsections (3) through ~~(7)~~ (8).

- 207 (3) A candidate for elective office in a county or local school board office:
 - 208 (a) shall deposit a contribution in a separate campaign account in a financial institution;
 - 209 and

- 210 (b) may not deposit or mingle any contributions received into a personal or business
211 account.

212 (4) Each candidate for elective office in any county who is not required to submit a
213 campaign financial statement to the lieutenant governor, and each candidate for local school
214 board office, shall file a signed campaign financial statement with the county clerk:

- 215 (a) seven days before the date of the regular general election, reporting each
216 contribution of more than \$50 and each expenditure as of 10 days before the date of the regular
217 general election; and

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

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

- 220 (i) a list of each contribution of more than \$50 received by the candidate, and the name
221 of the donor, if known;

- 222 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

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

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

226 (i) a list of each contribution of more than \$50 received after the cutoff date for the
227 statement filed seven days before the election, and the name of the donor;

228 (ii) an aggregate total of all contributions of \$50 or less received by the candidate after
229 the cutoff date for the statement filed seven days before the election; and

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

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

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

236 (ii) into which or from which a person who, as a candidate for an office, other than a
237 county office for which the person filed a declaration of candidacy or federal office, or as a
238 holder of an office, other than a county office for which the person filed a declaration of
239 candidacy or federal office, deposits a contribution or makes an expenditure.

240 (b) A county office candidate and a local school board office candidate shall include on
241 any campaign financial statement filed in accordance with Subsection (4) or (5):

242 (i) a contribution deposited in an account:

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

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

245 (ii) an expenditure made from an account:

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

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

248 (7) Within 30 days after receiving a contribution that is cash or a negotiable
249 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office
250 candidate shall disburse the amount of the contribution to:

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

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

254 501(c)(3), Internal Revenue Code.

255 ~~[(7)]~~ (8) Candidates for elective office in any county, and candidates for local school
256 board office, who are eliminated at a primary election shall file a signed campaign financial
257 statement containing the information required by this section not later than 30 days after the
258 primary election.

259 ~~[(8)]~~ (9) Any person who fails to comply with this section is guilty of an infraction.

260 ~~[(9)]~~ (10) (a) Counties may, by ordinance, enact requirements that:

261 (i) require greater disclosure of campaign contributions and expenditures; and

262 (ii) impose additional penalties.

263 (b) The requirements described in Subsection ~~[(9)]~~ (10)(a) apply to a local school
264 board office candidate who resides in that county.

265 ~~[(10)]~~ (11) (a) If a candidate fails to file an interim report due before the election, the
266 county clerk shall, after making a reasonable attempt to discover if the report was timely
267 mailed, inform the appropriate election officials who:

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

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

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

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

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

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

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

281 (c) A report is considered filed if:

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

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

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

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

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

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

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

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

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

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

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

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

306 **20A-11-101. Definitions.**

307 As used in this chapter:

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

- 310 (2) "Agent of a reporting entity" means:
- 311 (a) a person acting on behalf of a reporting entity at the direction of the reporting
- 312 entity;
- 313 (b) a person employed by a reporting entity in the reporting entity's capacity as a
- 314 reporting entity;
- 315 (c) the personal campaign committee of a candidate or officeholder;
- 316 (d) a member of the personal campaign committee of a candidate or officeholder in the
- 317 member's capacity as a member of the personal campaign committee of the candidate or
- 318 officeholder; or
- 319 (e) a political consultant of a reporting entity.
- 320 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
- 321 amendments, and any other ballot propositions submitted to the voters that are authorized by
- 322 the Utah Code Annotated 1953.
- 323 (4) "Candidate" means any person who:
- 324 (a) files a declaration of candidacy for a public office; or
- 325 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 326 receive contributions or make expenditures to bring about the person's nomination or election
- 327 to a public office.
- 328 (5) "Chief election officer" means:
- 329 (a) the lieutenant governor for state office candidates, legislative office candidates,
- 330 officeholders, political parties, political action committees, corporations, political issues
- 331 committees, state school board candidates, judges, and labor organizations, as defined in
- 332 Section [20A-11-1501](#); and
- 333 (b) the county clerk for local school board candidates.
- 334 (6) (a) "Contribution" means any of the following when done for political purposes:
- 335 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 336 value given to the filing entity;
- 337 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,

338 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
339 anything of value to the filing entity;

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

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

343 (v) remuneration from:

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

345 or

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

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

348 (vii) in-kind contributions.

349 (b) "Contribution" does not include:

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

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

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

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

360 (a) with the candidate's or political party's prior knowledge, if the candidate or political
361 party does not object;

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

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

364 (d) using official logos, slogans, and similar elements belonging to a candidate or
365 political party.

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

- 369 (i) the purpose of expressly advocating for political purposes; or
- 370 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
371 proposition.

372 (b) "Corporation" does not mean:

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

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

378 (10) "County political party officer" means a person whose name is required to be
379 submitted by a county political party to the lieutenant governor in accordance with Section
380 [20A-8-402](#).

381 (11) "Detailed listing" means:

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

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

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

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

388 (b) for each expenditure:

389 (i) the amount of the expenditure;

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

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

392 (iv) the date the expenditure was made.

393 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment

394 for membership in the corporation, to a corporation without receiving full and adequate
395 consideration for the money.

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

398 (13) "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 (14) "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 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
409 agent of a reporting entity on behalf of the reporting entity:

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

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

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

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

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

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

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

423 (b) "Expenditure" does not include:

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

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

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

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

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

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

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

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

443 (21) "Incorporation election" means the election authorized by Section [10-2-111](#) or
444 [10-2-127](#).

445 (22) "Incorporation petition" means a petition authorized by Section [10-2-109](#) or
446 [10-2-125](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

473 (33) "Personal use expenditure" has the same meaning as provided under Section
474 [20A-11-104](#).

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

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

478 purposes; or

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

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

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

485 (i) a party committee;

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

488 (iii) an individual;

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

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

493 (vi) a personal campaign committee.

494 (35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
495 by another person on behalf of and with the knowledge of the reporting entity, to provide
496 political advice to the reporting entity.

497 (b) "Political consultant" includes a circumstance described in Subsection (35)(a),
498 where the person:

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

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

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

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

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

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

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

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

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

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

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

520 (iii) an individual;

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

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

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

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

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

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

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

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

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

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

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

541 (39) (a) "Political issues expenditure" means any of the following when made by a
542 political issues committee or on behalf of a political issues committee by an agent of the
543 reporting entity:

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

546 (A) a ballot proposition; or

547 (B) an incorporation petition or incorporation election;

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

550 (A) a ballot proposition; or

551 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

562 course of business.

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

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

571 (b) "Poll" does not include:

572 (i) a ballot; or

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

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

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

576 (42) "Primary election" means any regular primary election held under the election
577 laws.

578 [~~(45)~~] (43) "Publicly identified class of individuals" means a group of 50 or more
579 individuals sharing a common occupation, interest, or association that contribute to a political
580 action committee or political issues committee and whose names can be obtained by contacting
581 the political action committee or political issues committee upon whose financial statement the
582 individuals are listed.

583 [~~(43)~~] (44) "Public office" means the office of governor, lieutenant governor, state
584 auditor, state treasurer, attorney general, state school board member, state senator, state
585 representative, speaker of the House of Representatives, president of the Senate, and the leader,
586 whip, and assistant whip of any party caucus in either house of the Legislature.

587 [~~(44)~~] (45) (a) "Public service assistance" means the following when given or provided
588 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
589 communicate with the officeholder's constituents:

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

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

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

595 (i) anything provided by the state;

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

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

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

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

604 (46) "Receipts" means contributions and public service assistance.

605 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
606 Lobbyist Disclosure and Regulation Act.

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

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

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

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

617 (b) has complied with the petition and organizing procedures of Chapter 8, Political

618 Party Formation and Procedures.

619 (51) (a) "Remuneration" means a payment:

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

621 (ii) that is approximately equivalent to an amount a legislator would have earned

622 during the period the Legislature is in session in the legislator's ordinary course of business.

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

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

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

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

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

628 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,

629 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political

630 action committee, a political issues committee, a corporation, or a labor organization, as

631 defined in Section [20A-11-1501](#).

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

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

634 intangible asset that comprises the contribution.

635 (b) "Source" means, for political action committees and corporations, the political

636 action committee and the corporation as entities, not the contributors to the political action

637 committee or the owners or shareholders of the corporation.

638 (55) "State office" means the offices of governor, lieutenant governor, attorney general,

639 state auditor, and state treasurer.

640 (56) "State office candidate" means a person who:

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

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

643 receive contributions or make expenditures to bring about the person's nomination, election, or

644 appointment to a state office.

645 (57) "Summary report" means the year end report containing the summary of a

646 reporting entity's contributions and expenditures.

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

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

650 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
651 **-- No personal use -- Contribution reporting deadline -- Report other accounts --**
652 **Anonymous contributions.**

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

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

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

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

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

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

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

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

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

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

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

681 (b) Each state office candidate shall report to the lieutenant governor each contribution
682 and public service assistance received by the state office candidate:

683 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which
684 the contribution or public service assistance is received; or

685 (ii) within three business days after the day on which the contribution or public service
686 assistance is received, if:

687 (A) the state office candidate is contested in a convention and the contribution or
688 public service assistance is received within 30 days before the day on which the convention is
689 held;

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

693 (C) the state office candidate is contested in a general election and the contribution or
694 public service assistance is received within 30 days before the day on which the general
695 election is held.

696 (c) ~~[Except as provided in Subsection (5)(d), for]~~ For each contribution or provision of
697 public service assistance that a state office candidate fails to report within the time period
698 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state
699 office candidate in an amount equal to:

700 (i) ~~[the greater of \$50 or 15%]~~ (A) 10% of the amount of the contribution, if the state
701 office candidate reports the contribution within 60 days after the day on which the time period

702 described in Subsection (5)(b) ends; or

703 (B) 20% of the amount of the contribution, if the state office candidate fails to report
704 the contribution within 60 days after the day on which the time period described in Subsection
705 (5)(b) ends; or

706 (ii) [~~the greater of \$50 or 15%~~] (A) 10% of the value of the public service
707 assistance[-], if the state office candidate reports the public service assistance within 60 days
708 after the day on which the time period described in Subsection (5)(b) ends; or

709 (B) 20% of the amount of the public service assistance, if the state office candidate
710 fails to report the public service assistance within 60 days after the day on which the time
711 period described in Subsection (5)(b) ends.

712 ~~[(d) A fine described in Subsection (5)(c) may not exceed the amount of the~~
713 ~~contribution or the value of the public service assistance to which the fine relates.]~~

714 ~~[(e)]~~ (d) The lieutenant governor shall:

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

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

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

719 (B) the amount of the fine;

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

721 (D) the date of the contribution.

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

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

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

729 (b) A state office candidate shall include on any financial statement filed in accordance

730 with this part:

731 (i) a contribution deposited in an account:

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

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

734 (ii) an expenditure made from an account:

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

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

737 (7) Within 30 days after receiving a contribution that is cash or a negotiable

738 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse

739 the amount of the contribution to:

740 (a) the treasurer of the state or a political subdivision for deposit into the state's or

741 political subdivision's general fund; or

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

743 501(c)(3), Internal Revenue Code.

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

745 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**

746 **Candidate as a political action committee officer -- No personal use -- Contribution**

747 **reporting deadline -- Report other accounts -- Anonymous contributions.**

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

751 (ii) A legislative office candidate may:

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

753 committee registered under Section [20A-11-601](#); and

754 (B) be designated by a political action committee as an officer who has primary

755 decision-making authority as described in Section [20A-11-601](#).

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

758 (i) a personal use expenditure; or

759 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

781 (b) Each legislative office candidate shall report to the lieutenant governor each
782 contribution and public service assistance received by the legislative office candidate:

783 (i) except as provided in Subsection (5)(b)(ii), within 30 days after the day on which
784 the contribution or public service assistance is received; or

785 (ii) within three business days after the day on which the contribution or public service

786 assistance is received, if:

787 (A) the legislative office candidate is contested in a convention and the contribution or
788 public service assistance is received within 30 days before the day on which the convention is
789 held;

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

793 (C) the legislative office candidate is contested in a general election and the
794 contribution or public service assistance is received within 30 days before the day on which the
795 general election is held.

796 (c) [~~Except as provided in Subsection (5)(d), for~~] For each contribution or provision of
797 public service assistance that a legislative office candidate fails to report within the time period
798 described in Subsection (5)(b), the lieutenant governor shall impose a fine against the
799 legislative office candidate in an amount equal to:

800 (i) [~~the greater of \$50 or 15%~~] (A) 10% of the amount of the contribution, if the
801 legislative office candidate reports the contribution within 60 days after the day on which the
802 time period described in Subsection (5)(b) ends; or

803 (B) 20% of the amount of the contribution, if the legislative office candidate fails to
804 report the contribution within 60 days after the day on which the time period described in
805 Subsection (5)(b) ends; or

806 (ii) [~~the greater of \$50 or 15%~~] (A) 10% of the value of the public service
807 assistance[-], if the legislative office candidate reports the public service assistance within 60
808 days after the day on which the time period described in Subsection (5)(b) ends; or

809 (B) 20% of the amount of the public service assistance, if the legislative office
810 candidate fails to report the public service assistance within 60 days after the day on which the
811 time period described in Subsection (5)(b) ends.

812 [~~(d) A fine described in Subsection (5)(c) may not exceed the amount of the~~
813 ~~contribution or the value of the public service assistance to which the fine relates.]~~

814 ~~[(e)]~~ (d) The lieutenant governor shall:

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

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

817 each legislative office candidate are available for public access:

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

819 candidate;

820 (B) the amount of the fine;

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

822 (D) the date of the contribution.

823 (6) Within 30 days after receiving a contribution that is cash or a negotiable

824 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall

825 disburse the amount of the contribution to:

826 (a) the treasurer of the state or a political subdivision for deposit into the state's or

827 political subdivision's general fund; or

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

829 501(c)(3), Internal Revenue Code.

830 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "account" means an account in a

831 financial institution:

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

833 (ii) into which or from which a person who, as a candidate for an office, other than a

834 legislative office for which the person files a declaration of candidacy or federal office, or as a

835 holder of an office, other than a legislative office for which the person files a declaration of

836 candidacy or federal office, deposits a contribution or makes an expenditure.

837 (b) A legislative office candidate shall include on any financial statement filed in

838 accordance with this part:

839 (i) a contribution deposited in an account:

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

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

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

845 Section 6. Section **20A-11-401** is amended to read:

846 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
847 **report -- Officeholder as a political action committee officer -- Anonymous contribution**
848 **or public service assistance.**

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

850 (b) An officeholder that is required to file a summary report both as an officeholder and
851 as a candidate for office under the requirements of this chapter may file a single summary
852 report as a candidate and an officeholder, provided that the combined report meets the
853 requirements of:

854 (i) this section; and

855 (ii) the section that provides the requirements for the summary report filed by the
856 officeholder in the officeholder's capacity of a candidate for office.

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

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

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

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

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

866 (v) for each nonmonetary contribution:

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

869 (B) a specific description of the contribution;

870 (vi) a detailed listing of each expenditure made since the last summary report;
871 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
872 (viii) a net balance for the year consisting of the net balance from the last summary
873 report plus all receipts minus all expenditures; and

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

876 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
877 single aggregate figure may be reported without separate detailed listings.

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

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

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

886 (4) An officeholder may:

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

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

891 (5) Within 30 days after receiving a contribution or public service assistance that is
892 cash or a negotiable instrument, exceeds \$50, and is from an unknown source, an officeholder
893 shall disburse the amount of the contribution or public service assistance to:

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

896 (b) an organization that is exempt from federal income taxation under Section
897 501(c)(3), Internal Revenue Code.

898 Section 7. Section **20A-11-505.7** is amended to read:

899 **20A-11-505.7. Separate account for contributions for registered political party --**
900 **Anonymous contributions to registered political party or county political party.**

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

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

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

907 (a) is cash or a negotiable instrument;

908 (b) exceeds \$50; and

909 (c) is from an unknown source.

910 Section 8. Section **20A-11-602** is amended to read:

911 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

919 (iv) on August 31; and

920 (v) seven days before:

921 (A) the municipal general election; and

922 (B) the regular general election date.

923 (b) The registered political action committee shall report:

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

926 (ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all
927 contributions and expenditures as of five days before the required filing date of the financial
928 statement.

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

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

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

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

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

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

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

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

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

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

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

949 (A) beginning balance;

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

951 (C) total contributions to date;

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

953 (E) total expenditures to date.

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

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

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

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

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

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

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

967 (b) A political action committee shall report each contribution to the lieutenant
968 governor within 30 days after the contribution is received.

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

971 (a) is cash or a negotiable instrument;

972 (b) exceeds \$50; and

973 (c) is from an unknown source.

974 Section 9. Section **20A-11-802** is amended to read:

975 **20A-11-802. Political issues committees -- Financial reporting.**

976 (1) (a) Each registered political issues committee that has received political issues
977 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
978 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
979 governor's office:

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

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

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

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

986 (v) at least three days before the first public hearing held as required by Section
987 [20A-7-204.1](#);

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

990 (A) the verified and certified initiative packets as required by Section [20A-7-206](#); or

991 (B) the signed and verified referendum packets as required by Section [20A-7-306](#);

992 (vii) on August 31; and

993 (viii) seven days before:

994 (A) the municipal general election; and

995 (B) the regular general election.

996 (b) The political issues committee shall report:

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

999 (ii) all contributions and expenditures as of five days before the required filing date of
1000 the financial statement, except for a financial statement filed on January 10.

1001 (c) The political issues committee need not file a statement under this section if it
1002 received no contributions and made no expenditures during the reporting period.

1003 (2) (a) That statement shall include:

1004 (i) the name and address, if known, of any individual [~~that~~] who makes a political
1005 issues contribution to the reporting political issues committee, and the amount of the political
1006 issues contribution;

1007 (ii) the identification of any publicly identified class of individuals that makes a
1008 political issues contribution to the reporting political issues committee, and the amount of the
1009 political issues contribution;

1010 (iii) the name and address, if known, of any political issues committee, group, or entity
1011 that makes a political issues contribution to the reporting political issues committee, and the
1012 amount of the political issues contribution;

1013 (iv) the name and address of each reporting entity that makes a political issues
1014 contribution to the reporting political issues committee, and the amount of the political issues
1015 contribution;

1016 (v) for each nonmonetary contribution, the fair market value of the contribution;

1017 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
1018 entity, or group of individuals or entities that received a political issues expenditure of more
1019 than \$50 from the reporting political issues committee, and the amount of each political issues
1020 expenditure;

1021 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1022 (viii) the total amount of political issues contributions received and political issues
1023 expenditures disbursed by the reporting political issues committee;

1024 (ix) a statement by the political issues committee's treasurer or chief financial officer
1025 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

1026 (x) a summary page in the form required by the lieutenant governor that identifies:

1027 (A) beginning balance;

1028 (B) total contributions during the period since the last statement;

1029 (C) total contributions to date;

1030 (D) total expenditures during the period since the last statement; and

1031 (E) total expenditures to date.

1032 (b) (i) Political issues contributions received by a political issues committee that have a
1033 value of \$50 or less need not be reported individually, but shall be listed on the report as an
1034 aggregate total.

1035 (ii) Two or more political issues contributions from the same source that have an
1036 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
1037 separately.

1038 (c) When reporting political issue expenditures made to circulators of initiative
1039 petitions, the political issues committee:

1040 (i) need only report the amount paid to each initiative petition circulator; and

1041 (ii) need not report the name or address of the circulator.

1042 (3) (a) As used in this Subsection (3), "received" means:

1043 (i) for a cash contribution, that the cash is given to a political issues committee;

1044 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1045 instrument or check is negotiated; and

1046 (iii) for any other type of contribution, that any portion of the contribution's benefit
1047 inures to the political issues committee.

1048 (b) A political issues committee shall report each contribution to the lieutenant
1049 governor within 30 days after the contribution is received.

1050 (4) A political issues committee may not expend a contribution for a political issues
1051 expenditure if the contribution:

1052 (a) is cash or a negotiable instrument;

1053 (b) exceeds \$50; and

1054 (c) is from an unknown source.

1055 Section 10. Section **20A-11-1301** is amended to read:

1056 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
1057 **Candidate as a political action committee officer -- No personal use -- Contribution**
1058 **reporting deadline -- Report other accounts -- Anonymous contributions.**

1059 (1) (a) (i) Each school board office candidate shall deposit each contribution and public
1060 service assistance received in one or more separate accounts in a financial institution that are
1061 dedicated only to that purpose.

1062 (ii) A school board office candidate may:

1063 (A) receive a contribution or public service assistance from a political action
1064 committee registered under Section **20A-11-601**; and

1065 (B) be designated by a political action committee as an officer who has primary

1066 decision-making authority as described in Section [20A-11-601](#).

1067 (b) A school board office candidate may not use money deposited in an account
1068 described in Subsection (1)(a)(i) for:

- 1069 (i) a personal use expenditure; or
- 1070 (ii) an expenditure prohibited by law.

1071 (2) A school board office candidate may not deposit or mingle any contributions or
1072 public service assistance received into a personal or business account.

1073 (3) A school board office candidate may not make any political expenditures prohibited
1074 by law.

1075 (4) If a person who is no longer a school board candidate chooses not to expend the
1076 money remaining in a campaign account, the person shall continue to file the year-end
1077 summary report required by Section [20A-11-1302](#) until the statement of dissolution and final
1078 summary report required by Section [20A-11-1304](#) are filed with the lieutenant governor.

1079 (5) (a) Except as provided in Subsection (5)(b) and Section [20A-11-402](#), a person who
1080 is no longer a school board candidate may not expend or transfer the money in a campaign
1081 account in a manner that would cause the former school board candidate to recognize the
1082 money as taxable income under federal tax law.

1083 (b) A person who is no longer a school board candidate may transfer the money in a
1084 campaign account in a manner that would cause the former school board candidate to recognize
1085 the money as taxable income under federal tax law if the transfer is made to a campaign
1086 account for federal office.

1087 (6) (a) As used in this Subsection (6) and Section [20A-11-1303](#), "received" means:

1088 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1089 member of the candidate's personal campaign committee;

1090 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1091 instrument or check is negotiated; and

1092 (iii) for any other type of contribution, that any portion of the contribution's benefit
1093 inures to the school board office candidate.

1094 (b) Each school board office candidate shall report to the chief election officer each
1095 contribution and public service assistance received by the school board office candidate:

1096 (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which
1097 the contribution or public service assistance is received; or

1098 (ii) within three business days after the day on which the contribution or public service
1099 assistance is received, if:

1100 (A) the school board office candidate is contested in a primary election and the
1101 contribution or public service assistance is received within 30 days before the day on which the
1102 primary election is held; or

1103 (B) the school board office candidate is contested in a general election and the
1104 contribution or public service assistance is received within 30 days before the day on which the
1105 general election is held.

1106 (c) [~~Except as provided in Subsection (6)(d), for~~] For each contribution or provision of
1107 public service assistance that a school board office candidate fails to report within the time
1108 period described in Subsection (6)(b), the chief election officer shall impose a fine against the
1109 school board office candidate in an amount equal to:

1110 (i) [~~the greater of \$50 or 15%~~] (A) 10% of the amount of the contribution, if the school
1111 board office candidate reports the contribution within 60 days after the day on which the time
1112 period described in Subsection (6)(b) ends; or

1113 (B) 20% of the amount of the contribution, if the school board office candidate fails to
1114 report the contribution within 60 days after the day on which the time period described in
1115 Subsection (6)(b) ends; or

1116 (ii) [~~the greater of \$50 or 15%~~] (A) 10% of the value of the public service
1117 assistance[-], if the school board office candidate reports the public service assistance within 60
1118 days after the day on which the time period described in Subsection (6)(b) ends; or

1119 (B) 20% of the amount of the public service assistance, if the school board office
1120 candidate fails to report the public service assistance within 60 days after the day on which the
1121 time period described in Subsection (6)(b) ends.

1122 ~~[(d) A fine described in Subsection (6)(c) may not exceed the amount of the~~
1123 ~~contribution or the value of the public service assistance to which the fine relates.]~~
1124 ~~[(e)]~~ (d) The chief election officer shall:
1125 (i) deposit money received under Subsection (6)(c) into the General Fund; and
1126 (ii) report on the chief election officer's website, in the location where reports relating
1127 to each school board office candidate are available for public access:
1128 (A) each fine imposed by the chief election officer against the school board office
1129 candidate;
1130 (B) the amount of the fine;
1131 (C) the amount of the contribution to which the fine relates; and
1132 (D) the date of the contribution.
1133 (7) Within 30 days after receiving a contribution that is cash or a negotiable
1134 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall
1135 disburse the contribution to:
1136 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1137 political subdivision's general fund; or
1138 (b) an organization that is exempt from federal income taxation under Section
1139 501(c)(3), Internal Revenue Code.
1140 ~~[(7)]~~ (8) (a) As used in this Subsection ~~[(7)]~~ (8), "account" means an account in a
1141 financial institution:
1142 (i) that is not described in Subsection (1)(a)(i); and
1143 (ii) into which or from which a person who, as a candidate for an office, other than a
1144 school board office for which the person files a declaration of candidacy or federal office, or as
1145 a holder of an office, other than a school board office for which the person files a declaration of
1146 candidacy or federal office, deposits a contribution or makes an expenditure.
1147 (b) A school board office candidate shall include on any financial statement filed in
1148 accordance with this part:
1149 (i) a contribution deposited in an account:

- 1150 (A) since the last campaign finance statement was filed; or
- 1151 (B) that has not been reported under a statute or ordinance that governs the account; or
- 1152 (ii) an expenditure made from an account:
- 1153 (A) since the last campaign finance statement was filed; or
- 1154 (B) that has not been reported under a statute or ordinance that governs the account.

1155 Section 11. Section **20A-12-301** is amended to read:

1156 **20A-12-301. Definitions.**

1157 As used in this part:

1158 (1) (a) "Contribution" means any of the following when done for political purposes:

1159 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1160 value given to the judge or the judge's personal campaign committee;

1161 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1162 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1163 anything of value to the judge or the judge's personal campaign committee;

1164 (iii) any transfer of funds from another reporting entity or a corporation to the judge or
1165 the judge's personal campaign committee;

1166 (iv) compensation paid by any person or reporting entity other than the judge or the
1167 judge's personal campaign committee for personal services provided without charge to the
1168 judge or the judge's personal campaign committee; and

1169 (v) goods or services provided to or for the benefit of the judge or the judge's personal
1170 campaign committee at less than fair market value.

1171 (b) "Contribution" does not include:

1172 (i) services provided without compensation by individuals volunteering a portion or all
1173 of their time on behalf of the judge or the judge's personal campaign committee; or

1174 (ii) money lent to the judge or the judge's personal campaign committee by a financial
1175 institution in the ordinary course of business.

1176 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1177 organization that is registered as a corporation or is authorized to do business in a state and

1178 makes any expenditure from corporate funds for political purposes.

1179 (b) "Corporation" does not mean:

1180 (i) a business organization's political action committee as defined in Section

1181 [20A-11-101](#) or political issues committee as defined in Section [20A-11-101](#); or

1182 (ii) a business entity organized as a partnership or a sole proprietorship.

1183 (3) "Detailed listing" means:

1184 (a) for each contribution:

1185 (i) the name and address of the individual or source making the contribution, to the

1186 extent that the name or address of the individual or source is known;

1187 (ii) the amount or value of the contribution; and

1188 (iii) the date the contribution was made; and

1189 (b) for each expenditure:

1190 (i) the amount of the expenditure;

1191 (ii) the person or entity to whom it was disbursed;

1192 (iii) the specific purpose, item, or service acquired by the expenditure; and

1193 (iv) the date the expenditure was made.

1194 (4) (a) "Expenditure" means:

1195 (i) any disbursement from contributions or from the separate bank account required by

1196 this chapter;

1197 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

1198 or anything of value made for political purposes;

1199 (iii) an express, legally enforceable contract, promise, or agreement to make any

1200 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of

1201 value for political purposes;

1202 (iv) compensation paid by a corporation or reporting entity for personal services

1203 rendered by a person without charge to the judge or the judge's personal campaign committee;

1204 (v) a transfer of funds between the judge's personal campaign committee and another

1205 judge's personal campaign committee; or

1206 (vi) goods or services provided by the judge's personal campaign committee to or for
1207 the benefit of another judge for political purposes at less than fair market value.

1208 (b) "Expenditure" does not include:

1209 (i) services provided without compensation by individuals volunteering a portion or all
1210 of their time on behalf of the judge or judge's personal campaign committee; or

1211 (ii) money lent to a judge's personal campaign committee by a financial institution in
1212 the ordinary course of business.

1213 (5) "Individual" means a natural person.

1214 (6) "Interim report" means a report identifying the contributions received and
1215 expenditures made since the last report.

1216 (7) "Personal campaign committee" means the committee appointed by a judge to act
1217 for the judge as provided in this chapter.

1218 (8) "Political purposes" means an act done with the intent or in a way to influence or
1219 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1220 against any judge standing for retention at any election.

1221 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,
1222 a candidate's personal campaign committee, an officeholder, and a party committee, a political
1223 action committee, and a political issues committee.

1224 (10) "Summary report" means the year-end report containing the summary of a
1225 reporting entity's contributions and expenditures.

1226 Section 12. Section **20A-12-303** is amended to read:

1227 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1228 (1) The judge or the judge's personal campaign committee shall deposit each
1229 contribution in one or more separate personal campaign accounts in a financial institution.

1230 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1231 any contributions received into a personal or business account.

1232 (3) (a) As used in this Subsection (3) and Section [20A-12-305](#), "received" means:

1233 (i) for a cash contribution, that the cash is given to a judge or the judge's personal

1234 campaign committee;

1235 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1236 instrument or check is negotiated; and

1237 (iii) for any other type of contribution, that any portion of the contribution's benefit
1238 inures to the judge.

1239 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1240 governor each contribution received by the judge, within 30 days after the day on which the
1241 contribution is received.

1242 (c) [~~Except as provided in Subsection (3)(d), for~~] For each contribution that a judge
1243 fails to report within the time period described in Subsection (3)(b), the lieutenant governor
1244 shall impose a fine against the judge in an amount equal to [~~the greater of \$50 or 15%~~]:

1245 (i) 10% of the amount of the contribution[-] if the judge reports the contribution within
1246 60 days after the day on which the time period described in Subsection (3)(b) ends; or

1247 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution
1248 within 60 days after the day on which the time period described in Subsection (3)(b) ends.

1249 [~~(d) A fine described in Subsection (3)(c) may not exceed the amount of the~~
1250 ~~contribution to which the fine relates.]~~

1251 [~~(e)~~] (d) The lieutenant governor shall:

1252 (i) deposit money received under Subsection (3)(c) into the General Fund; and

1253 (ii) report on the lieutenant governor's website, in the location where reports relating to
1254 each judge are available for public access:

1255 (A) each fine imposed by the lieutenant governor against the judge;

1256 (B) the amount of the fine;

1257 (C) the amount of the contribution to which the fine relates; and

1258 (D) the date of the contribution.

1259 (4) Within 30 days after receiving a contribution that is cash or a negotiable

1260 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal

1261 campaign committee shall disburse the amount of the contribution to:

1262 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1263 political subdivision's general fund; or
1264 (b) an organization that is exempt from federal income taxation under Section
1265 501(c)(3), Internal Revenue Code.