

1 **CAMPAIGN CONTRIBUTIONS AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kraig Powell**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends definitions;
- 14 ▶ prohibits an anonymous contribution that is:
 - 15 • over \$50; and
 - 16 • cash or a negotiable instrument;
- 17 ▶ requires a candidate to disburse an anonymous contribution or public service
18 assistance that is cash or a negotiable instrument and over \$50 to:
 - 19 • the state or a political subdivision for deposit into its general fund; or
 - 20 • an organization that is exempt from federal income taxation under Section
21 501(c)(3), Internal Revenue Code;
- 22 ▶ prohibits a filing entity, other than a candidate, from using an anonymous
23 contribution that is cash or a negotiable instrument in excess of \$50 for a political
24 purpose or as a political issues expenditure; and
- 25 ▶ 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 2013, Chapters 86, 170, 318, and 420

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

36 **20A-11-301**, as last amended by Laws of Utah 2012, Chapter 230

37 **20A-11-401**, as last amended by Laws of Utah 2011, Chapters 297 and 347

38 **20A-11-505.7**, as enacted by Laws of Utah 2011, Chapter 396

39 **20A-11-602**, as last amended by Laws of Utah 2013, Chapter 420

40 **20A-11-802**, as last amended by Laws of Utah 2013, Chapter 420

41 **20A-11-904**, as enacted by Laws of Utah 2010, Chapter 389

42 **20A-11-1301**, as last amended by Laws of Utah 2012, Chapter 230

43 **20A-12-301**, as enacted by Laws of Utah 2001, Chapter 166

44 **20A-12-303**, as last amended by Laws of Utah 2011, Chapter 396



45
46 *Be it enacted by the Legislature of the state of Utah:*

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

48 **10-3-208. Campaign finance disclosure in municipal election.**

49 (1) As used in this section:

50 (a) "Reporting date" means:

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

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

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

54 30 days after a municipal primary or general election.

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

56 (i) \$50; or

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

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

59 (A) shall deposit a campaign contribution in a separate campaign account in a financial
60 institution; and

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

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

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

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

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

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

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

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

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

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

76 (B) identify:

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

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

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

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

86 (c) A person who makes a contribution to a candidate shall disclose the person's name
87 to the candidate if the contribution:

88 (i) is cash or a negotiable instrument; and

89 (ii) exceeds the reporting limit.

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

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

95 (ii) an organization that is exempt from federal income taxation under Section
96 501(c)(3), Internal Revenue Code.

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

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

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

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

106 (i) a contribution deposited in an account:

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

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

109 (ii) an expenditure made from an account:

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

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

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

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

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

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

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

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

121 established in this section; and

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

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

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

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

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

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

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

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

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

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

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

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

150 (i) shall:

151 (A) if practicable, remove the candidate's name from the ballot by blacking out the

152 candidate's name before the ballots are delivered to voters; or

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

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

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

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

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

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

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

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

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

170 **17-16-6.5. Campaign financial disclosure in county elections.**

171 (1) A person who makes a contribution to a candidate shall disclose the person's name
172 to the candidate if the contribution:

173 (a) is cash or a negotiable instrument; and

174 (b) exceeds \$50.

175 [~~1~~] (2) (a) A county shall adopt an ordinance establishing campaign finance
176 disclosure requirements for candidates for county office.

177 (b) The ordinance required by Subsection [~~1~~] (2)(a) shall include:

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

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

- 183 (iii) a requirement that the financial reports identify:
- 184 (A) for each contribution of more than \$50, the name of the donor of the contribution,
185 if known, and the amount of the contribution; and
- 186 (B) for each expenditure, the name of the recipient and the amount of the expenditure;
- 187 (iv) a requirement that a candidate for county office deposit a contribution in a separate
188 campaign account in a financial institution; [~~and~~]
- 189 (v) a prohibition against a candidate for county office depositing or mingling any
190 contributions received into a personal or business account[-];
- 191 (vi) a requirement that a person who makes a contribution to a candidate shall disclose
192 the person's name to the candidate if the contribution:
- 193 (A) is cash or a negotiable instrument; and
- 194 (B) exceeds \$50; and
- 195 (vii) a requirement that a candidate for county office who receives a contribution that is
196 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,
197 shall, within 30 days after receiving the contribution, disburse the amount of the contribution
198 to:
- 199 (A) the treasurer of the state or a political subdivision for deposit into the state's or
200 political subdivision's general fund; or
- 201 (B) an organization that is exempt from federal income taxation under Section
202 501(c)(3), Internal Revenue Code.
- 203 (c) (i) As used in this Subsection [~~(1)~~] (2)(c), "account" means an account in a financial
204 institution:
- 205 (A) that is not described in Subsection [~~(1)~~] (2)(b)(iv); and
- 206 (B) into which or from which a person who, as a candidate for an office, other than a
207 county office for which the person files a declaration of candidacy or federal office, or as a
208 holder of an office, other than a county office for which the person files a declaration of
209 candidacy or federal office, deposits a contribution or makes an expenditure.
- 210 (ii) The ordinance required by Subsection [~~(1)~~] (2)(a) shall include a requirement that a
211 candidate for county office include on a financial report filed in accordance with the ordinance
212 a contribution deposited in or an expenditure made from an account:
- 213 (A) since the last financial report was filed; or

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

215 [~~(2)~~] (3) If any county fails to adopt a campaign finance disclosure ordinance described
216 in Subsection [~~(1)~~] (2), candidates for county office, other than community council office, shall
217 comply with the financial reporting requirements contained in Subsections [~~(3)~~] (4) through
218 [~~(7)~~] (9).

219 [~~(3)~~] (4) A candidate for elective office in a county:

220 (a) shall deposit a contribution in a separate campaign account in a financial institution;
221 and

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

224 [~~(4)~~] (5) Each candidate for elective office in any county who is not required to submit
225 a campaign financial statement to the lieutenant governor shall file a signed campaign financial
226 statement with the county clerk:

227 (a) seven days before the date of the regular general election, reporting each
228 contribution of more than \$50 and each expenditure as of 10 days before the date of the regular
229 general election; and

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

231 [~~(5)~~] (6) (a) The statement filed seven days before the regular general election shall
232 include:

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

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

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

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

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

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

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

245 expenditure.

246 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "account" means an account in a
247 financial institution:

248 (i) that is not described in Subsection ~~[(3)]~~ (4)(a); and

249 (ii) into which or from which a person who, as a candidate for an office, other than a
250 county office for which the person filed a declaration of candidacy or federal office, or as a
251 holder of an office, other than a county office for which the person filed a declaration of
252 candidacy or federal office, deposits a contribution or makes an expenditure.

253 (b) A county office candidate shall include on any campaign financial statement filed
254 in accordance with Subsection ~~[(4) or (5)]~~ (5) or (6):

255 (i) a contribution deposited in an account:

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

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

258 (ii) an expenditure made from an account:

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

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

261 (8) Within 30 days after receiving a contribution that is cash or a negotiable

262 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office

263 candidate shall disburse the amount of the contribution to:

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

265 political subdivision's general fund; or

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

267 501(c)(3), Internal Revenue Code.

268 ~~[(7)]~~ (9) Candidates for elective office in any county who are eliminated at a primary
269 election shall file a signed campaign financial statement containing the information required by
270 this section not later than 30 days after the primary election.

271 ~~[(8)]~~ (10) Any person who fails to comply with this section is guilty of an infraction.

272 ~~[(9)]~~ (11) Counties may, by ordinance, enact requirements that:

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

274 (b) impose additional penalties.

275 ~~[(10)]~~ (12) (a) If a candidate fails to file an interim report due before the election, the

276 county clerk shall, after making a reasonable attempt to discover if the report was timely
277 mailed, inform the appropriate election officials who:

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

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

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

284 (b) Notwithstanding Subsection [~~(10)~~] (12)(a), a candidate is not disqualified if:

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

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

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

291 (c) A report is considered filed if:

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

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

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

298 [~~(11)~~] (13) (a) Any private party in interest may bring a civil action in district court to
299 enforce the provisions of this section or any ordinance adopted under this section.

300 (b) In a civil action filed under Subsection [~~(11)~~] (13)(a), the court shall award costs
301 and ~~attorney's~~ attorney fees to the prevailing party.

302 [~~(12)~~] (14) Notwithstanding any provision of Title 63G, Chapter 2, Government
303 Records Access and Management Act, the county clerk shall:

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

306 (b) make the campaign finance statement filed by a candidate available for public

307 inspection by:

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

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

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

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

316 **20A-11-101. Definitions.**

317 As used in this chapter:

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

320 (2) "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 (3) "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 (4) "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 (5) (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; and

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

349 (b) "Contribution" does not include:

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

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

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

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

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

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

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

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

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

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

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

371 (b) "Corporation" does not mean:

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

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

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

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

380 (10) "Detailed listing" means:

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

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

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

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

387 (b) for each expenditure:

388 (i) the amount of the expenditure;

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

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

391 (iv) the date the expenditure was made.

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

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

397 (12) "Election" means each:

398 (a) regular general election;

399 (b) regular primary election; and

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

401 (13) "Electioneering communication" means a communication that:

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

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

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

407 (14) (a) "Expenditure" means:

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

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

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

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

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

419 (vi) goods or services provided by the filing entity to or for the benefit of another
420 reporting entity for political purposes at less than fair market value.

421 (b) "Expenditure" does not include:

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

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

426 (iii) anything listed in Subsection (14)(a) that is given by a reporting entity to
427 candidates for office or officeholders in states other than Utah.

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

430 (16) "Filing entity" means the reporting entity that is required to file a financial

431 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

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

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

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

441 (20) "Incorporation election" means the election authorized by Section 10-2-111.

442 (21) "Incorporation petition" means a petition authorized by Section 10-2-109.

443 (22) "Individual" means a natural person.

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

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

449 (25) "Legislative office candidate" means a person who:

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

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

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

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

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

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

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

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

467 (31) "Personal use expenditure" has the same meaning as provided under Section
468 20A-11-104.

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

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

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

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

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

479 (i) a party committee;

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

482 (iii) an individual;

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

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

487 (vi) a personal campaign committee.

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

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

492 (i) solicit or receive donations from any other person, group, or entity to assist in

493 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
494 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

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

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

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

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

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

504 (iii) an individual;

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

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

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

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

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

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

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

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

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

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

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

524 course of business.

525 (36) (a) "Political issues expenditure" means any of the following:

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

528 (A) a ballot proposition; or

529 (B) an incorporation petition or incorporation election;

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

532 (A) a ballot proposition; or

533 (B) an incorporation petition or incorporation election;

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

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

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

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

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

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

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

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

553 (b) "Poll" does not include:

554 (i) a ballot; or

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

558 (39) "Primary election" means any regular primary election held under the election
559 laws.

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

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

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

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

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

572 (i) anything provided by the state;

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

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

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

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

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

586 (43) "Receipts" means contributions and public service assistance.

587 (44) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
588 Lobbyist Disclosure and Regulation Act.

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

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

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

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

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

601 (48) (a) "Remuneration" means a payment:

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

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

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

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

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

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

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

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

614 (50) "School board office" means the office of state school board or local school board.

615 (51) (a) "Source" means the person or entity that is the legal owner of the tangible or
616 intangible asset that comprises the contribution.

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

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

622 (53) "State office candidate" means a person who:

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

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

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

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

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

632 **20A-11-201. State office candidate -- Separate bank account for campaign funds**
633 **-- No personal use -- Report contributions within 30 days -- Report other accounts --**
634 **Anonymous contributions.**

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

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

640 (i) a personal use expenditure; or

641 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

675 (i) a contribution deposited in an account:

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

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

678 (ii) an expenditure made from an account:

679 (A) since the last campaign finance statement was filed; or
680 (B) that has not been reported under a statute or ordinance that governs the account.
681 (7) Within 30 days after receiving a contribution that is cash or a negotiable
682 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse
683 the amount of the contribution to:

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

686 (b) an organization that is exempt from federal income taxation under Section
687 501(c)(3), Internal Revenue Code.

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

689 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**
690 **Candidate as a political action committee officer -- No personal use -- Report**
691 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**

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

695 (ii) A legislative office candidate may:

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

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

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

702 (i) a personal use expenditure; or

703 (ii) an expenditure prohibited by law.

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

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

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

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

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

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

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

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

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

728 (6) Within 30 days after receiving a contribution that is cash or a negotiable
729 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall
730 disburse the amount of the contribution to:

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

733 (b) an organization that is exempt from federal income taxation under Section
734 501(c)(3), Internal Revenue Code.

735 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7), "account" means an account in a
736 financial institution:

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

738 (ii) into which or from which a person who, as a candidate for an office, other than a
739 legislative office for which the person files a declaration of candidacy or federal office, or as a
740 holder of an office, other than a legislative office for which the person files a declaration of

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

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

744 (i) a contribution deposited in an account:

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

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

747 (ii) an expenditure made from an account:

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

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

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

751 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
752 **report -- Officeholder as a political action committee officer -- Anonymous public service**
753 **assistance.**

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

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

759 (i) this section; and

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

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

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

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

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

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

771 (v) for each nonmonetary contribution:

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

774 (B) a specific description of the contribution;

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

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

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

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

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

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

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

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

791 (4) An officeholder may:

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

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

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

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

801 (b) an organization that is exempt from federal income taxation under Section
802 501(c)(3), Internal Revenue Code.

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

804 **20A-11-505.7. Separate account for contributions for registered political party --**
805 **-- Anonymous contributions to registered political party or county political party.**

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

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

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

812 (a) is cash or a negotiable instrument;

813 (b) exceeds \$50; and

814 (c) is from an unknown source.

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

816 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

824 (iv) on August 31; and

825 (v) seven days before:

826 (A) the municipal general election; and

827 (B) the regular general election date.

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

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

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

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

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

837 (i) the name and address of any individual that makes a contribution to the reporting
838 political action committee, if known, and the amount of the contribution;

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

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

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

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

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

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

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

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

854 (A) beginning balance;

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

856 (C) total contributions to date;

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

858 (E) total expenditures to date.

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

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

863 (3) A group or entity may not divide or separate into units, sections, or smaller groups
864 for the purpose of avoiding the financial reporting requirements of this chapter, and substance

865 shall prevail over form in determining the scope or size of a political action committee.

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

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

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

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

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

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

876 (a) is cash or a negotiable instrument;

877 (b) exceeds \$50; and

878 (c) is from an unknown source.

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

880 **20A-11-802. Political issues committees -- Financial reporting.**

881 (1) (a) Each registered political issues committee that has received political issues
882 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
883 \$50, during a calendar year, shall file a verified financial statement with the lieutenant
884 governor's office:

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

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

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

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

891 (v) at least three days before the first public hearing held as required by Section
892 [20A-7-204.1](#);

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

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

- 896 (B) the signed and verified referendum packets as required by Section 20A-7-306;
- 897 (vii) on August 31; and
- 898 (viii) seven days before:
- 899 (A) the municipal general election; and
- 900 (B) the regular general election.
- 901 (b) The political issues committee shall report:
- 902 (i) a detailed listing of all contributions received and expenditures made since the last
- 903 statement; and
- 904 (ii) all contributions and expenditures as of five days before the required filing date of
- 905 the financial statement, except for a financial statement filed on January 10.
- 906 (c) The political issues committee need not file a statement under this section if it
- 907 received no contributions and made no expenditures during the reporting period.
- 908 (2) (a) That statement shall include:
- 909 (i) the name and address, if known, of any individual that makes a political issues
- 910 contribution to the reporting political issues committee, and the amount of the political issues
- 911 contribution;
- 912 (ii) the identification of any publicly identified class of individuals that makes a
- 913 political issues contribution to the reporting political issues committee, and the amount of the
- 914 political issues contribution;
- 915 (iii) the name and address, if known, of any political issues committee, group, or entity
- 916 that makes a political issues contribution to the reporting political issues committee, and the
- 917 amount of the political issues contribution;
- 918 (iv) the name and address of each reporting entity that makes a political issues
- 919 contribution to the reporting political issues committee, and the amount of the political issues
- 920 contribution;
- 921 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 922 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
- 923 entity, or group of individuals or entities that received a political issues expenditure of more
- 924 than \$50 from the reporting political issues committee, and the amount of each political issues
- 925 expenditure;
- 926 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

- 927 (viii) the total amount of political issues contributions received and political issues
928 expenditures disbursed by the reporting political issues committee;
- 929 (ix) a statement by the political issues committee's treasurer or chief financial officer
930 certifying that, to the best of the person's knowledge, the financial statement is accurate; and
- 931 (x) a summary page in the form required by the lieutenant governor that identifies:
- 932 (A) beginning balance;
- 933 (B) total contributions during the period since the last statement;
- 934 (C) total contributions to date;
- 935 (D) total expenditures during the period since the last statement; and
- 936 (E) total expenditures to date.
- 937 (b) (i) Political issues contributions received by a political issues committee that have a
938 value of \$50 or less need not be reported individually, but shall be listed on the report as an
939 aggregate total.
- 940 (ii) Two or more political issues contributions from the same source that have an
941 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported
942 separately.
- 943 (c) When reporting political issue expenditures made to circulators of initiative
944 petitions, the political issues committee:
- 945 (i) need only report the amount paid to each initiative petition circulator; and
- 946 (ii) need not report the name or address of the circulator.
- 947 (3) (a) As used in this Subsection (3), "received" means:
- 948 (i) for a cash contribution, that the cash is given to a political issues committee;
- 949 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
950 instrument or check is negotiated; and
- 951 (iii) for any other type of contribution, that any portion of the contribution's benefit
952 inures to the political issues committee.
- 953 (b) A political issues committee shall report each contribution to the lieutenant
954 governor within 30 days after the contribution is received.
- 955 (4) A political issues committee may not expend a contribution for a political issues
956 expenditure if the contribution:
- 957 (a) is cash or a negotiable instrument;

- 958 (b) exceeds \$50; and
- 959 (c) is from an unknown source.

960 Section 10. Section **20A-11-904** is amended to read:

961 **20A-11-904. Contribution given in another's name and anonymous contributions**
962 **prohibited.**

963 A person may not:

- 964 (1) make a contribution in the name of another;
- 965 (2) knowingly permit another to make a contribution in the person's name; [~~or~~]
- 966 (3) knowingly accept a contribution made by one person in the name of another[:]; or
- 967 (4) make a contribution without disclosing the person's name if the contribution:
 - 968 (a) is cash or a negotiable instrument; and
 - 969 (b) exceeds \$50.

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

971 **20A-11-1301. School board office candidate -- Campaign finance requirements --**
972 **Candidate as a political action committee officer -- No personal use -- Report**
973 **contributions within 30 days -- Report other accounts -- Anonymous contributions.**

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

977 (ii) A school board office candidate may:

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

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

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

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

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

988 (3) A school board office candidate may not make any political expenditures prohibited

989 by law.

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

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

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

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

1000 (b) A person who is no longer a school board candidate may transfer the money in a
1001 campaign account in a manner that would cause the former school board candidate to recognize
1002 the money as taxable income under federal tax law if the transfer is made to a campaign
1003 account for federal office.

1004 (6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

1005 (i) for a cash contribution, that the cash is given to a school board office candidate or a
1006 member of the candidate's personal campaign committee;

1007 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1008 instrument or check is negotiated; and

1009 (iii) for any other type of contribution, that any portion of the contribution's benefit
1010 inures to the school board office candidate.

1011 (b) Each school board office candidate shall report to the chief election officer each
1012 contribution and public service assistance within 30 days after the contribution or public
1013 service assistance is received.

1014 (7) Within 30 days after receiving a contribution that is cash or a negotiable
1015 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall
1016 disburse the contribution to:

1017 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1018 political subdivision's general fund; or

1019 (b) an organization that is exempt from federal income taxation under Section

1020 501(c)(3), Internal Revenue Code.

1021 [~~(7)~~] (8) (a) As used in this Subsection [~~(7)~~] (8), "account" means an account in a
1022 financial institution:

1023 (i) that is not described in Subsection (1)(a)(i); and

1024 (ii) into which or from which a person who, as a candidate for an office, other than a
1025 school board office for which the person files a declaration of candidacy or federal office, or as
1026 a holder of an office, other than a school board office for which the person files a declaration of
1027 candidacy or federal office, deposits a contribution or makes an expenditure.

1028 (b) A school board office candidate shall include on any financial statement filed in
1029 accordance with this part:

1030 (i) a contribution deposited in an account:

1031 (A) since the last campaign finance statement was filed; or

1032 (B) that has not been reported under a statute or ordinance that governs the account; or

1033 (ii) an expenditure made from an account:

1034 (A) since the last campaign finance statement was filed; or

1035 (B) that has not been reported under a statute or ordinance that governs the account.

1036 Section 12. Section **20A-12-301** is amended to read:

1037 **20A-12-301. Definitions.**

1038 As used in this part:

1039 (1) (a) "Contribution" means any of the following when done for political purposes:

1040 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1041 value given to the judge or the judge's personal campaign committee;

1042 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1043 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1044 anything of value to the judge or the judge's personal campaign committee;

1045 (iii) any transfer of funds from another reporting entity or a corporation to the judge or
1046 the judge's personal campaign committee;

1047 (iv) compensation paid by any person or reporting entity other than the judge or the
1048 judge's personal campaign committee for personal services provided without charge to the
1049 judge or the judge's personal campaign committee; and

1050 (v) goods or services provided to or for the benefit of the judge or the judge's personal

- 1051 campaign committee at less than fair market value.
- 1052 (b) "Contribution" does not include:
- 1053 (i) services provided without compensation by individuals volunteering a portion or all
- 1054 of their time on behalf of the judge or the judge's personal campaign committee; or
- 1055 (ii) money lent to the judge or the judge's personal campaign committee by a financial
- 1056 institution in the ordinary course of business.
- 1057 (2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 1058 organization that is registered as a corporation or is authorized to do business in a state and
- 1059 makes any expenditure from corporate funds for political purposes.
- 1060 (b) "Corporation" does not mean:
- 1061 (i) a business organization's political action committee as defined in Section
- 1062 [20A-11-101](#) or political issues committee as defined in Section [20A-11-101](#); or
- 1063 (ii) a business entity organized as a partnership or a sole proprietorship.
- 1064 (3) "Detailed listing" means:
- 1065 (a) for each contribution:
- 1066 (i) the name and address of the individual or source making the contribution, if known;
- 1067 (ii) the amount or value of the contribution; and
- 1068 (iii) the date the contribution was made; and
- 1069 (b) for each expenditure:
- 1070 (i) the amount of the expenditure;
- 1071 (ii) the person or entity to whom it was disbursed;
- 1072 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 1073 (iv) the date the expenditure was made.
- 1074 (4) (a) "Expenditure" means:
- 1075 (i) any disbursement from contributions or from the separate bank account required by
- 1076 this chapter;
- 1077 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1078 or anything of value made for political purposes;
- 1079 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1080 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 1081 value for political purposes;

1082 (iv) compensation paid by a corporation or reporting entity for personal services
1083 rendered by a person without charge to the judge or the judge's personal campaign committee;

1084 (v) a transfer of funds between the judge's personal campaign committee and another
1085 judge's personal campaign committee; or

1086 (vi) goods or services provided by the judge's personal campaign committee to or for
1087 the benefit of another judge for political purposes at less than fair market value.

1088 (b) "Expenditure" does not include:

1089 (i) services provided without compensation by individuals volunteering a portion or all
1090 of their time on behalf of the judge or judge's personal campaign committee; or

1091 (ii) money lent to a judge's personal campaign committee by a financial institution in
1092 the ordinary course of business.

1093 (5) "Individual" means a natural person.

1094 (6) "Interim report" means a report identifying the contributions received and
1095 expenditures made since the last report.

1096 (7) "Personal campaign committee" means the committee appointed by a judge to act
1097 for the judge as provided in this chapter.

1098 (8) "Political purposes" means an act done with the intent or in a way to influence or
1099 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1100 against any judge standing for retention at any election.

1101 (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate,
1102 a candidate's personal campaign committee, an officeholder, and a party committee, a political
1103 action committee, and a political issues committee.

1104 (10) "Summary report" means the year-end report containing the summary of a
1105 reporting entity's contributions and expenditures.

1106 Section 13. Section **20A-12-303** is amended to read:

1107 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

1108 (1) The judge or the judge's personal campaign committee shall deposit each
1109 contribution in one or more separate personal campaign accounts in a financial institution.

1110 (2) The judge or the judge's personal campaign committee may not deposit or mingle
1111 any contributions received into a personal or business account.

1112 (3) (a) As used in this Subsection (3) and Section **20A-12-305**, "received" means:

1113 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
1114 campaign committee;

1115 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
1116 instrument or check is negotiated; and

1117 (iii) for any other type of contribution, that any portion of the contribution's benefit
1118 inures to the judge.

1119 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
1120 governor each contribution within 30 days after the contribution is received.

1121 (4) Within 30 days after receiving a contribution that is cash or a negotiable
1122 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal
1123 campaign committee shall disburse the amount of the contribution to:

1124 (a) the treasurer of the state or a political subdivision for deposit into the state's or
1125 political subdivision's general fund; or

1126 (b) an organization that is exempt from federal income taxation under Section
1127 501(c)(3), Internal Revenue Code.

Legislative Review Note
as of 9-26-13 3:10 PM

Office of Legislative Research and General Counsel