

CAMPAIGN FINANCE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Patrice M. Arent

LONG TITLE

General Description:

This bill modifies provisions of the Election Code relating to contributions and financial statements.

Highlighted Provisions:

This bill:

- ▶ modifies the deadline by which a state office candidate is required to report receipt of certain contributions or public service assistance;
- ▶ modifies the deadline by which a state office candidate or state officeholder is required to dispose of certain anonymous contributions;
- ▶ modifies the expenditure threshold for requiring a county political party to file financial statements;
- ▶ modifies the penalties for a county political party that fails to file a required financial statement;
- ▶ modifies and enacts financial requirements for political action committees, political issues committees, and politically active corporations;
- ▶ modifies reporting requirements for a school board office candidate;
- ▶ modifies reporting requirements relating to an independent expenditure; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **20A-11-201**, as last amended by Laws of Utah 2015, Chapters 21 and 127
- 33 **20A-11-301**, as last amended by Laws of Utah 2015, Chapters 21 and 127
- 34 **20A-11-401**, as last amended by Laws of Utah 2016, Chapter 409
- 35 **20A-11-510**, as enacted by Laws of Utah 2011, Chapter 396
- 36 **20A-11-511**, as last amended by Laws of Utah 2015, Chapter 204
- 37 **20A-11-512**, as last amended by Laws of Utah 2015, Chapter 204
- 38 **20A-11-601**, as last amended by Laws of Utah 2011, Chapter 347
- 39 **20A-11-602**, as last amended by Laws of Utah 2015, Chapters 21 and 204
- 40 **20A-11-704**, as enacted by Laws of Utah 2006, Chapter 226
- 41 **20A-11-705**, as enacted by Laws of Utah 2015, Chapter 296
- 42 **20A-11-801**, as last amended by Laws of Utah 2015, Chapter 388
- 43 **20A-11-802**, as last amended by Laws of Utah 2015, Chapters 21, 204, and 388
- 44 **20A-11-803**, as last amended by Laws of Utah 2015, Chapter 204
- 45 **20A-11-1005**, as last amended by Laws of Utah 2013, Chapter 252
- 46 **20A-11-1301**, as last amended by Laws of Utah 2016, Chapter 28
- 47 **20A-11-1502**, as last amended by Laws of Utah 2015, Chapter 204
- 48 **20A-11-1703**, as enacted by Laws of Utah 2014, Chapter 60
- 49 **20A-11-1704**, as enacted by Laws of Utah 2014, Chapter 60
- 50 **20A-12-303**, as last amended by Laws of Utah 2015, Chapters 21 and 127



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

53 Section 1. Section **20A-11-201** is amended to read:

54 **20A-11-201. State office candidate -- Separate bank account for campaign funds**

55 **-- No personal use -- Contribution reporting deadline -- Report other accounts --**

56 **Anonymous contributions.**

57 (1) (a) Each state office candidate or the candidate's personal campaign committee

58 shall deposit each contribution and public service assistance received in one or more separate
59 campaign accounts in a financial institution.

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

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

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

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

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

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

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

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

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

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

85 (b) Each state office candidate shall report to the lieutenant governor each contribution

86 and public service assistance received by the state office candidate:

87 (i) except as provided in Subsection (5)(b)(ii), within [~~30~~] 31 days after the day on
88 which the contribution or public service assistance is received; or

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

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

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

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

100 (c) For each contribution or provision of public service assistance that a state office
101 candidate fails to report within the time period described in Subsection (5)(b), the lieutenant
102 governor shall impose a fine against the state office candidate in an amount equal to:

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

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

109 (ii) (A) 10% of the value of the public service assistance, if the state office candidate
110 reports the public service assistance within 60 days after the day on which the time period
111 described in Subsection (5)(b) ends; or

112 (B) 20% of the amount of the public service assistance, if the state office candidate
113 fails to report the public service assistance within 60 days after the day on which the time

114 period described in Subsection (5)(b) ends.

115 (d) The lieutenant governor shall:

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

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

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

120 (B) the amount of the fine;

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

122 (D) the date of the contribution.

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

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

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

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

132 (i) a contribution deposited in an account:

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

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

135 (ii) an expenditure made from an account:

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

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

138 (7) Within [~~30~~] 31 days after receiving a contribution that is cash or a negotiable
139 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse
140 the amount of the contribution to:

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

142 political subdivision's general fund; or

143 (b) an organization that is exempt from federal income taxation under Section
144 501(c)(3), Internal Revenue Code.

145 Section 2. Section **20A-11-301** is amended to read:

146 **20A-11-301. Legislative office candidate -- Campaign finance requirements --**
147 **Candidate as a political action committee officer -- No personal use -- Contribution**
148 **reporting deadline -- Report other accounts -- Anonymous contributions.**

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

152 (ii) A legislative office candidate may:

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

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

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

159 (i) a personal use expenditure; or

160 (ii) an expenditure prohibited by law.

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

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

167 (4) (a) Except as provided in Subsection (4)(b) and Section [20A-11-402](#), a person who
168 is no longer a legislative office candidate may not expend or transfer the money in a campaign
169 account in a manner that would cause the former legislative office candidate to recognize the

170 money as taxable income under federal tax law.

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

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

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

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

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

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

184 (i) except as provided in Subsection (5)(b)(ii), within ~~[30]~~ 31 days after the day on
185 which the contribution or public service assistance is received; or

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

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

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

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

197 (c) For each contribution or provision of public service assistance that a legislative

198 office candidate fails to report within the time period described in Subsection (5)(b), the
199 lieutenant governor shall impose a fine against the legislative office candidate in an amount
200 equal to:

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

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

207 (ii) (A) 10% of the value of the public service assistance, if the legislative office
208 candidate reports the public service assistance within 60 days after the day on which the time
209 period described in Subsection (5)(b) ends; or

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

213 (d) The lieutenant governor shall:

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

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

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

219 (B) the amount of the fine;

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

221 (D) the date of the contribution.

222 (6) Within [~~30~~] 31 days after receiving a contribution that is cash or a negotiable
223 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall
224 disburse the amount of the contribution to:

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

226 political subdivision's general fund; or

227 (b) an organization that is exempt from federal income taxation under Section
228 501(c)(3), Internal Revenue Code.

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

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

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

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

238 (i) a contribution deposited in an account:

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

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

241 (ii) an expenditure made from an account:

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

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

244 Section 3. Section **20A-11-401** is amended to read:

245 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
246 **report -- Officeholder as a political action committee officer -- Anonymous contribution**
247 **or public service assistance.**

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

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

253 (i) this section; and

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

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

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

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

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

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

265 (v) for each nonmonetary contribution:

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

268 (B) a specific description of the contribution;

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

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

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

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

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

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

281 (4) An officeholder may:

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

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

286 (5) Within ~~[30]~~ 31 days after receiving a contribution or public service assistance that
287 is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, an
288 officeholder shall disburse the amount of the contribution or public service assistance to:

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

291 (b) an organization that is exempt from federal income taxation under Section
292 501(c)(3), Internal Revenue Code.

293 Section 4. Section 20A-11-510 is amended to read:

294 **20A-11-510. County political party financial reporting requirements -- Year-end**
295 **summary report.**

296 (1) A county political party officer of a county political party that has received
297 contributions totaling at least \$750, or disbursed expenditures totaling at least ~~[\$50]~~ \$750,
298 during a calendar year shall file a summary report by January 10 of the following year.

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

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

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

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

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

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

309 (vi) a detailed listing of each expenditure made since the last summary report that has

310 not been reported in detail on an interim report;

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

312 (viii) a net balance for the year consisting of the net balance from the last summary

313 report, if any, plus all receipts minus all expenditures.

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

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

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

320 (3) The county political party officer shall certify in the summary report that, to the
321 best of the officer's knowledge, all receipts and all expenditures have been reported as of
322 December 31 of the previous year and that there are no bills or obligations outstanding and
323 unpaid except as set forth in that report.

324 Section 5. Section **20A-11-511** is amended to read:

325 **20A-11-511. County political party financial reporting requirements -- Interim**
326 **reports.**

327 (1) (a) A county political party officer of a county political party that has received
328 contributions totaling at least \$750, or disbursed expenditures totaling at least [~~\$50~~] \$750,
329 during a calendar year shall file an interim report at the following times in any year in which
330 there is a regular general election:

331 (i) seven days before the county political party's convention;

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

333 (iii) September 30; and

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

335 (b) A county political party officer need not file an interim report if it received no
336 contributions or made no expenditures during the reporting period.

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

- 338 (a) the net balance of the last financial statement, if any;
- 339 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 340 reports, if any, during the calendar year in which the interim report is due;
- 341 (c) a single figure equal to the total amount of expenditures reported on all prior
- 342 interim reports, if any, filed during the calendar year in which the interim report is due;
- 343 (d) a detailed listing of each contribution and public service assistance received since
- 344 the last summary report that has not been reported in detail on a prior interim report;
- 345 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 346 (f) a detailed listing of each expenditure made since the last summary report that has
- 347 not been reported in detail on a prior interim report;
- 348 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 349 (h) a net balance for the year consisting of the net balance from the last summary
- 350 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 351 last summary report; and
- 352 (i) a summary page in the form required by the lieutenant governor that identifies:
- 353 (i) beginning balance;
- 354 (ii) total contributions during the period since the last statement;
- 355 (iii) total contributions to date;
- 356 (iv) total expenditures during the period since the last statement; and
- 357 (v) total expenditures to date.
- 358 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
- 359 single aggregate figure may be reported without separate detailed listings.
- 360 (b) Two or more contributions from the same source that have an aggregate total of
- 361 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 362 (4) In preparing each interim report, all receipts and expenditures shall be reported as
- 363 of five days before the required filing date of the report.

364 Section 6. Section **20A-11-512** is amended to read:

365 **20A-11-512. County political party -- Criminal penalties -- Fines.**

366 ~~[(1) (a) A county political party that fails to file an interim report that is due seven days~~
367 ~~before the county political party's convention is subject to a fine imposed in accordance with~~
368 ~~Section 20A-11-1005.]~~

369 [(b)] (1) A county political party that fails to file an interim report described in
370 Subsections 20A-11-511(1)(a)[(ii)](i) through (iv) is subject to a fine [of \$1,000] in accordance
371 with Section 20A-11-1005, which the chief election officer shall deposit in the General Fund.

372 (2) Within 30 days after a deadline for the filing of the January 10 statement required
373 by Section 20A-11-510, the lieutenant governor shall review each filed statement to ensure
374 that:

375 (a) a county political party officer who is required to file a statement has filed one; and

376 (b) each statement contains the information required by Section 20A-11-510.

377 (3) If it appears that any county political party officer has failed to file a financial
378 statement, if it appears that a filed financial statement does not conform to the law, or if the
379 lieutenant governor has received a written complaint alleging a violation of the law or the
380 falsity of any financial statement, the lieutenant governor shall, within five days of discovery of
381 a violation or receipt of a written complaint, notify the county political party officer of the
382 violation or written complaint and direct the county political party officer to file a financial
383 statement correcting the problem.

384 (4) (a) A county political party that fails to file or amend a financial statement within
385 seven days after receiving notice from the lieutenant governor under this section is subject to a
386 fine of [~~\$1,000, which the chief election officer shall deposit in the General Fund.;~~] the lesser
387 of:

388 (i) 10% of the total contributions received by the county political party during the
389 reporting period for the financial statement that the county political party failed to file or
390 amend; or

391 (ii) \$1,000.

392 (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into
393 the General Fund.

394 Section 7. Section **20A-11-601** is amended to read:

395 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
396 **providing false information or accepting unlawful contribution.**

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

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

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

404 (ii) distributing expenditures for political purposes totaling at least [~~\$50~~] \$750.

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

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

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

411 (3) The statement of organization shall include:

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

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

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

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

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

421 (f) the name, street address, business address, occupation, and phone number of the

422 committee's treasurer or chief financial officer; and

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

425 (4) (a) Any registered political action committee that intends to permanently cease
426 operations shall file a notice of dissolution with the lieutenant governor's office.

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

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

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

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

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

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

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

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

444 (ii) at the time the political action committee accepts the contribution, has failed to file
445 a statement of organization with the lieutenant governor's office as required by Section
446 [20A-11-704](#).

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

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

449 **20A-11-602. Political action committees -- Financial reporting.**

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

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

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

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

457 (iv) on September 30; and

458 (v) seven days before:

459 (A) the municipal general election; and

460 (B) the regular general election date.

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

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

464 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
465 contributions and expenditures as of five days before the required filing date of the financial
466 statement.

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

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

470 (i) the name and address of any individual who makes a contribution to the reporting
471 political action committee, if known, and the amount of the contribution;

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

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

- 478 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 479 (v) the name and address of each reporting entity that received an expenditure from the
480 reporting political action committee, and the amount of each expenditure;
- 481 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 482 (vii) the total amount of contributions received and expenditures disbursed by the
483 reporting political action committee;
- 484 (viii) a statement by the political action committee's treasurer or chief financial officer
485 certifying that, to the best of the person's knowledge, the financial report is accurate; and
- 486 (ix) a summary page in the form required by the lieutenant governor that identifies:
- 487 (A) beginning balance;
- 488 (B) total contributions during the period since the last statement;
- 489 (C) total contributions to date;
- 490 (D) total expenditures during the period since the last statement; and
- 491 (E) total expenditures to date.
- 492 (b) (i) Contributions received by a political action committee that have a value of \$50
493 or less need not be reported individually, but shall be listed on the report as an aggregate total.
- 494 (ii) Two or more contributions from the same source that have an aggregate total of
495 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 496 (3) A group or entity may not divide or separate into units, sections, or smaller groups
497 for the purpose of avoiding the financial reporting requirements of this chapter, and substance
498 shall prevail over form in determining the scope or size of a political action committee.
- 499 (4) (a) As used in this Subsection (4), "received" means:
- 500 (i) for a cash contribution, that the cash is given to a political action committee;
- 501 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
502 instrument or check is negotiated; and
- 503 (iii) for any other type of contribution, that any portion of the contribution's benefit
504 inures to the political action committee.
- 505 (b) A political action committee shall report each contribution to the lieutenant

506 governor within ~~[30]~~ 31 days after the contribution is received.

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

509 (a) is cash or a negotiable instrument;

510 (b) exceeds \$50; and

511 (c) is from an unknown source.

512 (6) Within 31 days after receiving a contribution that is cash or a negotiable
513 instrument, exceeds \$50, and is from an unknown source, a political action committee shall
514 disburse the amount of the contribution to:

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

517 (b) an organization that is exempt from federal income taxation under Section
518 501(c)(3), Internal Revenue Code.

519 Section 9. Section **20A-11-704** is amended to read:

520 **20A-11-704. Statement of organization required for certain new corporations.**

521 (1) A corporation that is incorporated, organized, or otherwise created less than 90 days
522 before the date of a general election shall file a statement of organization with the lieutenant
523 governor's office before making a contribution to a political action committee or a political
524 issues committee in association with the election.

525 (2) The statement of organization shall include:

526 (a) the name and street address of the corporation;

527 (b) the name, street address, phone number, occupation, and title of one or more
528 individuals that have primary decision-making authority for the corporation;

529 (c) the name, street address, phone number, occupation, and title of the corporation's
530 chief financial officer;

531 (d) the name, street address, occupation, and title of all other officers or managers of
532 the corporation; and

533 (e) the name, street address, and occupation of each member of the corporation's

534 governing and advisory boards, if any.

535 (3) (a) A corporation shall file with the lieutenant governor's office a notice of intent to
536 cease making contributions, if the corporation:

537 (i) has made a contribution described in Subsection (1); and

538 (ii) intends to permanently cease making contributions described in Subsection (1).

539 (b) A notice filed under Subsection (3)(a) does not exempt the corporation from
540 complying with the financial reporting requirements described in this chapter.

541 Section 10. Section **20A-11-705** is amended to read:

542 **20A-11-705. Notice of in-kind contributions.**

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

545 (a) the name and address of the corporation;

546 (b) the date of the in-kind expenditure;

547 (c) a description of the in-kind expenditure; and

548 (d) the value, in dollars, of the in-kind expenditure.

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

551 (a) except as provided in Subsection (2)(b), within [~~30~~] 31 days after the day on which
552 the corporation makes the in-kind contribution; or

553 (b) within three business days after the day on which the corporation makes the in-kind
554 contribution, if:

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

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

561 (iii) the in-kind contribution is to a candidate who is contested in a general election and

562 the corporation makes the in-kind contribution within 30 days before the day on which the
563 general election is held.

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

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

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

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

572 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
573 **providing false information or accepting unlawful contribution.**

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

577 (b) If a political issues committee is organized after the January 10 filing date, the
578 political issues committee shall file an initial statement of organization no later than seven days
579 after:

580 (i) receiving political issues contributions totaling at least \$750; or

581 (ii) disbursing political issues expenditures totaling at least \$750.

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

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

586 (3) The statement of organization shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

617 (ii) contain the name and title of the officer being replaced and the name, street

618 address, occupation, and title of the new officer.

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

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

- 625 (i) was organized less than 90 days before the date of the general election; and
- 626 (ii) at the time the political issues committee accepts the contribution, has failed to file
627 a statement of organization with the lieutenant governor's office as required by Section
628 [20A-11-704](#).

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

630 Section 12. Section **20A-11-802** is amended to read:

631 **20A-11-802. Political issues committees -- Financial reporting.**

632 (1) (a) Each registered political issues committee that has received political issues
633 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least
634 \$750, during a calendar year, shall file a verified financial statement with the lieutenant
635 governor's office:

- 636 (i) on January 10, reporting contributions and expenditures as of December 31 of the
637 previous year;
- 638 (ii) seven days before the state political convention of each major political party;
- 639 (iii) seven days before the regular primary election date;
- 640 (iv) seven days before the date of an incorporation election, if the political issues
641 committee has received donations or made disbursements to affect an incorporation;
- 642 (v) at least three days before the first public hearing held as required by Section
643 [20A-7-204.1](#);
- 644 (vi) if the political issues committee has received or expended funds in relation to an
645 initiative or referendum, at the time the initiative or referendum sponsors submit:

- 646 (A) the verified and certified initiative packets as required by Section 20A-7-206; or
647 (B) the signed and verified referendum packets as required by Section 20A-7-306;
648 (vii) on September 30; and
649 (viii) seven days before:
- 650 (A) the municipal general election; and
651 (B) the regular general election.
- 652 (b) The political issues committee shall report:
- 653 (i) a detailed listing of all contributions received and expenditures made since the last
654 statement; and
- 655 (ii) all contributions and expenditures as of five days before the required filing date of
656 the financial statement, except for a financial statement filed on January 10.
- 657 (c) The political issues committee need not file a statement under this section if it
658 received no contributions and made no expenditures during the reporting period.
- 659 (2) (a) That statement shall include:
- 660 (i) the name and address, if known, of any individual who makes a political issues
661 contribution to the reporting political issues committee, and the amount of the political issues
662 contribution;
- 663 (ii) the identification of any publicly identified class of individuals that makes a
664 political issues contribution to the reporting political issues committee, and the amount of the
665 political issues contribution;
- 666 (iii) the name and address, if known, of any political issues committee, group, or entity
667 that makes a political issues contribution to the reporting political issues committee, and the
668 amount of the political issues contribution;
- 669 (iv) the name and address of each reporting entity that makes a political issues
670 contribution to the reporting political issues committee, and the amount of the political issues
671 contribution;
- 672 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 673 (vi) except as provided in Subsection (2)(c), the name and address of each individual,

674 entity, or group of individuals or entities that received a political issues expenditure of more
675 than \$50 from the reporting political issues committee, and the amount of each political issues
676 expenditure;

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

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

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

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

683 (A) beginning balance;

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

685 (C) total contributions to date;

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

687 (E) total expenditures to date.

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

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

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

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

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

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

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

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

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

704 (b) A political issues committee shall report each contribution to the lieutenant
705 governor within ~~[30]~~ 31 days after the contribution is received.

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

708 (a) is cash or a negotiable instrument;

709 (b) exceeds \$50; and

710 (c) is from an unknown source.

711 (5) Within 31 days after receiving a contribution that is cash or a negotiable
712 instrument, exceeds \$50, and is from an unknown source, a political issues committee shall
713 disburse the amount of the contribution to:

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

716 (b) an organization that is exempt from federal income taxation under Section
717 501(c)(3), Internal Revenue Code.

718 Section 13. Section **20A-11-803** is amended to read:

719 **20A-11-803. Criminal penalties -- Fines.**

720 (1) (a) Each political issues committee that fails to file a financial statement before the
721 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).

722 (b) Each political issues committee that fails to file a financial statement described in
723 Subsection [20A-11-802](#)(1)(a)(vii) or (viii) is guilty of a class B misdemeanor.

724 ~~[(b)]~~ (c) The lieutenant governor shall report all violations of Subsection (1)[(a)](b) to
725 the attorney general.

726 (2) Within 30 days after a deadline for the filing of the January 10 statement, the
727 lieutenant governor shall review each filed statement to ensure that:

728 (a) each political issues committee that is required to file a statement has filed one; and

729 (b) each statement contains the information required by this part.

730 (3) If it appears that any political issues committee has failed to file the January 10
731 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
732 governor has received a written complaint alleging a violation of the law or the falsity of any
733 statement, the lieutenant governor shall, within five days of discovery of a violation or receipt
734 of a written complaint, notify the political issues committee of the violation or written
735 complaint and direct the political issues committee to file a statement correcting the problem.

736 (4) (a) It is unlawful for any political issues committee to fail to file or amend a
737 statement within seven days after receiving notice from the lieutenant governor under this
738 section.

739 (b) Each political issues committee who violates Subsection (4)(a) is guilty of a class B
740 misdemeanor.

741 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
742 attorney general.

743 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
744 governor shall impose a civil fine of \$1,000 against a political issues committee that violates
745 Subsection (4)(a).

746 Section 14. Section **20A-11-1005** is amended to read:

747 **20A-11-1005. Fines for failing to file a financial statement.**

748 (1) Except as provided in [~~Subsections~~] Subsection 20A-11-512~~[(1)(b) and]~~ (4), the
749 chief election officer shall fine a filing entity \$100 for failing to file a financial statement by the
750 filing deadline.

751 (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a
752 manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine
753 against the candidate or treasurer, as appropriate.

754 (3) The chief election officer shall deposit fines collected under this chapter in the
755 General Fund.

756 Section 15. Section **20A-11-1301** is amended to read:

757 **20A-11-1301. School board office candidate -- Campaign finance requirements --**

758 **Candidate as a political action committee officer -- No personal use -- Contribution**
759 **reporting deadline -- Report other accounts -- Anonymous contributions.**

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

763 (ii) A school board office candidate may:

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

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

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

770 (i) a personal use expenditure; or

771 (ii) an expenditure prohibited by law.

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

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

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

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

784 (b) A person who is no longer a school board office candidate may transfer the money
785 in a campaign account in a manner that would cause the former school board office candidate

786 to recognize the money as taxable income under federal tax law if the transfer is made to a
787 campaign account for federal office.

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

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

792 (i) except as provided in Subsection (6)(b)(ii), within ~~[30]~~ 31 days after the day on
793 which the contribution or public service assistance is received; or

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

796 (A) the school board office candidate is contested in a convention and the contribution
797 or public service assistance is received within 30 days before the day on which the convention
798 is held;

799 ~~[(A)]~~ (B) the school board office candidate is contested in a primary election and the
800 contribution or public service assistance is received within 30 days before the day on which the
801 primary election is held; or

802 ~~[(B)]~~ (C) the school board office candidate is contested in a general election and the
803 contribution or public service assistance is received within 30 days before the day on which the
804 general election is held.

805 (c) For each contribution or provision of public service assistance that a school board
806 office candidate fails to report within the time period described in Subsection (6)(b), the chief
807 election officer shall impose a fine against the school board office candidate in an amount
808 equal to:

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

812 (B) 20% of the amount of the contribution, if the school board office candidate fails to
813 report the contribution within 60 days after the day on which the time period described in

814 Subsection (6)(b) ends; or

815 (ii) (A) 10% of the value of the public service assistance, if the school board office
816 candidate reports the public service assistance within 60 days after the day on which the time
817 period described in Subsection (6)(b) ends; or

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

821 (d) The chief election officer shall:

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

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

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

827 (B) the amount of the fine;

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

829 (D) the date of the contribution.

830 (7) Within [~~30~~] 31 days after receiving a contribution that is cash or a negotiable
831 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall
832 disburse the contribution to:

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

835 (b) an organization that is exempt from federal income taxation under Section
836 501(c)(3), Internal Revenue Code.

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

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

840 (ii) into which or from which a person who, as a candidate for an office, other than a
841 school board office for which the person files a declaration of candidacy or federal office, or as

842 a holder of an office, other than a school board office for which the person files a declaration of
843 candidacy or federal office, deposits a contribution or makes an expenditure.

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

846 (i) a contribution deposited in an account:

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

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

849 (ii) an expenditure made from an account:

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

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

852 Section 16. Section **20A-11-1502** is amended to read:

853 **20A-11-1502. Campaign financial reporting of expenditures -- Filing**
854 **requirements -- Statement contents.**

855 (1) (a) Each labor organization that has made expenditures for political purposes or
856 political issues expenditures on current or proposed ballot issues that total at least \$750 during
857 a calendar year shall file a verified financial statement with the lieutenant governor's office:

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

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

860 (iii) on September 30; and

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

862 (b) The labor organization shall report:

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

864 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all

865 expenditures as of five days before the required filing date of the financial statement.

866 (c) The labor organization [~~need not~~] is not required to file a financial statement under
867 this section if the labor organization:

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

869 (ii) reports [~~its~~] the labor organization's expenditures during the reporting period under

870 another part of this chapter.

871 (2) The financial statement shall include:

872 (a) the name and address of each reporting entity that received an expenditure or
873 political issues expenditure of more than \$50 from the labor organization, and the amount of
874 each expenditure or political issues expenditure;

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

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

878 Section 17. Section **20A-11-1703** is amended to read:

879 **20A-11-1703. Exceptions.**

880 (1) A registered political party is not required to comply with the requirements of this
881 part.

882 (2) A reporting entity is not required to report an independent expenditure under this
883 part if the reporting party:

884 (a) reports the expenditure under another part in this chapter; and

885 (b) in the report described in Subsection (2)(a):

886 (i) identifies the expenditure as an independent expenditure; and

887 (ii) provides the information, described in Section [20A-11-1704](#), in relation to the
888 independent expenditure.

889 Section 18. Section **20A-11-1704** is amended to read:

890 **20A-11-1704. Independent expenditure report.**

891 (1) Except as provided in Section [20A-11-1703](#), within [~~30~~] 31 days after the day on
892 which a person has made a total of at least \$1,000 in independent expenditures during an
893 election cycle, the person shall file an independent expenditure report with the chief election
894 officer.

895 (2) Except as provided in Section [20A-11-1703](#), within [~~30~~] 31 days after the day on
896 which a person has made a total of at least \$1,000 in independent expenditures during an
897 election cycle that were not reported in an independent expenditure report already filed with the

898 chief election officer during the same election cycle, the person shall file another independent
899 expenditure report with the chief election officer.

900 (3) An independent expenditure report shall include the following information:

901 (a) if the person who made the independent expenditures is an individual, the person's
902 name, address, and phone number;

903 (b) if the person who made the independent expenditures is not an individual:

904 (i) the person's name, address, and phone number; and

905 (ii) the name, address, and phone number of an individual who may be contacted by the
906 chief election officer in relation to the independent expenditure report; and

907 (c) for each independent expenditure made by the person during the current election
908 cycle that was not reported in a previous independent expenditure report:

909 (i) the date of the independent expenditure;

910 (ii) the amount of the independent expenditure;

911 (iii) the candidate or ballot proposition for which the independent expenditure
912 expressly advocates the success or defeat and a description of whether the independent
913 expenditure supports or opposes the candidate or ballot proposition;

914 (iv) the identity, address, and phone number of the person to whom the independent
915 expenditure was made;

916 (v) a description of the goods or services obtained by the independent expenditure; and

917 (vi) for each person who, for political purposes, made cumulative donations of \$1,000
918 or more during the current election cycle to the filer of the independent expenditure report:

919 (A) the identity, address, and phone number of the person;

920 (B) the date of the donation; and

921 (C) the amount of the donation.

922 (4) (a) If the person filing an independent expenditure report is an individual, the
923 person shall sign the independent expenditure report and certify that the information contained
924 in the report is complete and accurate.

925 (b) If the person filing an independent expenditure report is not an individual:

926 (i) the person filing the independent expenditure report shall designate an authorized
927 individual to sign the independent expenditure report on behalf of the person; and

928 (ii) the individual designated under Subsection (4)(b)(i) shall sign the independent
929 expenditure report and certify that the information contained in the report is complete and
930 accurate.

931 (5) If a person who files an independent expenditure report previously filed an
932 independent expenditure report during, or in relation to, the same election cycle that includes
933 information, described in Subsection (3)(a) or (b), that has changed since the person filed the
934 previous independent expenditure report, the person shall include in the most recent
935 independent expenditure report a description of the information that has changed that includes
936 both the old information and the new information.

937 (6) An independent expenditure report is a public record under Title 63G, Chapter 2,
938 Government Records Access and Management Act.

939 Section 19. Section **20A-12-303** is amended to read:

940 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

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

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

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

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

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

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

952 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
953 governor each contribution received by the judge, within [~~30~~] 31 days after the day on which

954 the contribution is received.

955 (c) For each contribution that a judge fails to report within the time period described in
956 Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an amount
957 equal to:

958 (i) 10% of the amount of the contribution if the judge reports the contribution within
959 60 days after the day on which the time period described in Subsection (3)(b) ends; or

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

962 (d) The lieutenant governor shall:

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

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

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

967 (B) the amount of the fine;

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

969 (D) the date of the contribution.

970 (4) Within [~~30~~] 31 days after receiving a contribution that is cash or a negotiable
971 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal
972 campaign committee shall disburse the amount of the contribution to:

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

975 (b) an organization that is exempt from federal income taxation under Section
976 501(c)(3), Internal Revenue Code.