

## HB0493S03 compared with HB0493S02

~~{deleted text}~~ shows text that was in HB0493S02 but was deleted in HB0493S03.

inserted text shows text that was not in HB0493S02 but was inserted into HB0493S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could experience inaccuracies due to: limitations of the compare program; bad input data; and other causes.

**Representative Kraig Powell** proposes the following substitute bill:

### CAMPAIGN FINANCE DISCLOSURE AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends campaign finance provisions related to ~~{contributions and expenditures}~~ an electioneering communication.

##### Highlighted Provisions:

This bill:

- ▶ amends the scope of an electioneering communication reporting requirement~~;~~
- ~~prohibits an anonymous cash contribution over \$50;~~
- ~~requires a candidate for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, state legislator, or State Board of Education member to submit an anonymous cash contribution over \$50 to the lieutenant governor for deposit into the General Fund;~~
- ~~requires an officeholder to submit an anonymous cash contribution or cash public~~

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~~service assistance over \$50 to the lieutenant governor for deposit into the General Fund;~~

- ~~— requires a candidate for municipal office to submit an anonymous cash contribution over the reporting limit to the municipal clerk or recorder for deposit into the municipality's general fund;~~
- ~~— requires a candidate for county office to submit an anonymous cash contribution over \$50 to the county clerk for deposit into the county's general fund;~~
- ~~— requires a candidate for local school board to submit an anonymous cash contribution over \$50 to the school district's business administrator for deposit into the school district's general fund;~~
- ~~— requires a governmental entity to report an anonymous contribution that is deposited in a general fund; and~~
- ~~— makes technical changes.~~

~~†~~

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

- ~~{~~ ~~10-3-208~~, as last amended by Laws of Utah 2008, Chapters 49 and 382
- ~~—~~ ~~17-16-6.5~~, as last amended by Laws of Utah 2008, Chapter 49
- ~~—~~ ~~20A-11-201~~, as last amended by Laws of Utah 2010, Chapter 246
- ~~—~~ ~~20A-11-301~~, as last amended by Laws of Utah 2011, Chapter 347
- ~~—~~ ~~20A-11-401~~, as last amended by Laws of Utah 2011, Chapters 297 and 347
- ~~†~~ ~~20A-11-901~~, as last amended by Laws of Utah 2011, Chapter 396
- ~~{~~ ~~20A-11-904~~, as enacted by Laws of Utah 2010, Chapter 389
- ~~—~~ ~~20A-11-1301~~, as last amended by Laws of Utah 2011, Chapter 347

~~}~~

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

Section 1. Section ~~{10-3-208}~~20A-11-901 is amended to read:

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~~{ 10-3-208. Campaign finance statement in municipal election.~~

~~—— (1) As used in this section:~~

~~—— (a) "Reporting date" means:~~

~~—— (i) 10 days before a municipal general election, for a campaign finance statement required to be filed no later than seven days before a municipal general election; and~~

~~—— (ii) the day of filing, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election.~~

~~—— (b) "Reporting limit" means:~~

~~—— (i) \$50; or~~

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

~~—— (2) (a) (i) Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:~~

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

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

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

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

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

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

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

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

~~—— (B) identify:~~

~~—— (I) for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor;~~

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

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

~~—— (ii) report the total amount of all campaign contributions and expenditures if the~~

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~~candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate's campaign.~~

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

~~—— (ii) If a candidate receives an anonymous cash contribution that exceeds the reporting limit, the candidate:~~

~~—— (A) is not required to report the contribution in a campaign finance statement; and~~

~~—— (B) within five business days after receiving the contribution, shall submit the contribution to the municipal clerk or recorder for deposit into the municipality's general fund with the candidate's name and the date on which the candidate received the contribution.~~

~~—— (iii) Within five business days after depositing a contribution described in Subsection (2)(c)(ii), the municipal clerk or recorder shall report on the municipality's website or the website established by the lieutenant governor under Section 20A-11-103:~~

~~—— (A) the amount of the contribution;~~

~~—— (B) the date on which the candidate received the contribution; and~~

~~—— (C) the name of the candidate who received the contribution.~~

~~—— (3) (a) A municipality may, by ordinance:~~

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

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

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

~~—— (b) A candidate for municipal office is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (3)(a) if:~~

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

~~—— (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (4):~~

~~—— (4) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 14 days before each municipal general election, notify the candidate in writing of:~~

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

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

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

~~—— (5) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:~~

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

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

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

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

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

~~—— (6) (a) If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified in Subsection (2)(a)(i)(A), the municipal clerk or recorder shall inform the appropriate election official who:~~

~~—— (i) shall:~~

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

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

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

~~—— (b) Notwithstanding Subsection (6)(a), a candidate who files a campaign finance~~

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~~statement seven days before a municipal general election is not disqualified if:~~

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

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

~~—— (7) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.~~

~~—— (8) (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section:~~

~~—— (b) In a civil action under Subsection (8)(a), the court may award costs and attorney's fees to the prevailing party:~~

~~—— Section 2. Section 17-16-6.5 is amended to read:~~

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

~~—— (1) (a) [By January 1, 1996, each] Each county shall adopt an ordinance establishing campaign finance disclosure requirements for candidates for county office:~~

~~—— (b) The ordinance shall include:~~

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

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

~~—— (iii) a requirement that the financial reports identify:~~

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

~~—— (B) for each expenditure, the name of the recipient and the amount of the expenditure.~~

~~—— (c) The ordinance shall require:~~

~~—— (i) a person who makes a cash contribution that exceeds \$50 to disclose the person's name to the candidate who receives the contribution;~~

~~—— (ii) a candidate who receives an anonymous cash contribution that exceeds \$50 to, within five business days after receiving the contribution, submit the contribution to the county~~

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~~clerk for deposit into the county's general fund with the candidate's name and the date on which the candidate received the contribution; and~~

~~—— (iii) a county clerk who deposits a contribution described in Subsection (1)(c)(ii) to, within five days after depositing the contribution, report on the county's website or the website established by the lieutenant governor under Section 20A-11-103:~~

~~—— (A) the amount of the contribution;~~

~~—— (B) the date on which the candidate received the contribution; and~~

~~—— (C) the name of the candidate who received the contribution.~~

~~—— (2) [(a) Except as provided in Subsection (2)(b), if] If any county fails to adopt a campaign finance disclosure ordinance [by January 1, 1996] described in Subsection (1), candidates for county office shall comply with the financial reporting requirements contained in Subsections (3) through (6).~~

~~—— [(b) If, after August 1, 1995, any county adopts a campaign finance ordinance meeting the requirements of Subsection (1), that county need not comply with the requirements of Subsections (3) through (6).]~~

~~—— (3) (a) Except as provided in Subsection (3)(b), and if there is no county ordinance meeting the requirements of this section, each candidate for elective office in any county who is not required to submit a campaign financial statement to the lieutenant governor shall file a signed campaign financial statement with the county clerk:~~

~~—— (i) seven days before the date of the regular general election, reporting each contribution of more than \$50 and each expenditure as of 10 days before the date of the regular general election; and~~

~~—— (ii) no later than 30 days after the date of the regular general election.~~

~~—— (b) Candidates for community council offices are exempt from the requirements of this section.~~

~~—— (4) (a) The statement filed seven days before the regular general election shall include:~~

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

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

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

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- ~~—— (b) The statement filed 30 days after the regular general election shall include:~~
- ~~—— (i) a list of each contribution of more than \$50 received after the cutoff date for the statement filed seven days before the election, and the name of the donor;~~
- ~~—— (ii) an aggregate total of all contributions of \$50 or less received by the candidate after the cutoff date for the statement filed seven days before the election; and~~
- ~~—— (iii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.~~
- ~~—— (5) Candidates for elective office in any county who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election:~~
- ~~—— (6) (a) A person who makes a cash contribution that exceeds \$50 shall disclose the person's name to the candidate who receives the contribution.~~
- ~~—— (b) If a candidate receives an anonymous cash contribution that exceeds \$50, within five business days after receiving the contribution, the candidate shall submit the contribution to the county clerk for deposit into the county's general fund with the candidate's name and the date on which the candidate received the contribution.~~
- ~~—— (c) Within five business days after depositing a contribution described in Subsection (6)(b), the county clerk shall report on the county's website or the website established by the lieutenant governor under Section 20A-11-103:~~
- ~~—— (i) the amount of the contribution;~~
- ~~—— (ii) the date on which the candidate received the contribution; and~~
- ~~—— (iii) the name of the candidate who received the contribution.~~
- ~~—— [(6)] (7) Any person who fails to comply with this section is guilty of an infraction:~~
- ~~—— [(7)] (8) Counties may, by ordinance, enact requirements that:~~
- ~~—— (a) require greater disclosure of campaign contributions and expenditures; and~~
- ~~—— (b) impose additional penalties:~~
- ~~—— [(8)] (9) (a) If a candidate fails to file an interim report due before the election, the county clerk shall, after making a reasonable attempt to discover if the report was timely mailed, inform the appropriate election officials who:~~
- ~~—— (i) shall, if practicable, remove the name of the candidate by blacking out the~~

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

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

~~—— (iii) may not count any votes for that candidate.~~

~~—— (b) Notwithstanding Subsection [(8)] (9)(a), a candidate is not disqualified if:~~

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

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

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

~~—— (c) A report is considered filed if:~~

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

~~—— (ii) it is received in the county clerk's office with a [U.S.] United States Postal Service postmark three days or more before the date that the report was due; or~~

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

~~—— [(9)] (10) (a) Any private party in interest may bring a civil action in district court to enforce the provisions of this section or any ordinance adopted under this section.~~

~~—— (b) In a civil action filed under Subsection [(9)] (10)(a), the court shall award costs and attorney's fees to the prevailing party.~~

~~—— [(10)] (11) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the county clerk shall:~~

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

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

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

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

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

~~—— Section 3. Section **20A-11-201** is amended to read:~~

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

~~—— (1) (a) [Each] Except as provided by Subsection (1)(b), each state office candidate or the candidate's personal campaign committee shall deposit each contribution and public service assistance received in one or more separate campaign accounts in a financial institution.~~

~~—— (b) If a state office candidate receives an anonymous cash contribution that exceeds \$50, the state office candidate:~~

~~—— (i) shall, within 30 days after receiving the contribution, submit the contribution to the lieutenant governor for deposit into the General Fund with the candidate's name and the date on which the candidate received the contribution; and~~

~~—— (ii) is not required to report the contribution on a financial statement.~~

~~—— (c) Within five business days after depositing a contribution described in Subsection (1)(b)(i), the lieutenant governor shall report on the website established under Section 20A-11-103:~~

~~—— (i) the amount of the contribution;~~

~~—— (ii) the date on which the candidate received the contribution; and~~

~~—— (iii) the name of the candidate who received the contribution.~~

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

~~—— (i) a personal use expenditure; or~~

~~—— (ii) an expenditure prohibited by law.~~

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

~~—— (3) If a person who is no longer a state office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final~~

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~~summary report required by Section 20A-11-205 are filed with the lieutenant governor.~~

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

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

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

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

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

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

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

~~—— Section 4. Section 20A-11-301 is amended to read:~~

~~—— 20A-11-301. Legislative office candidate -- Campaign finance requirements --  
Candidate as a political action committee officer.~~

~~—— (1) (a) (i) [Each] Except as provided by Subsection (1)(b), each legislative office candidate shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.~~

~~—— (ii) A legislative office candidate may:~~

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

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

~~—— (b) If a legislative office candidate receives an anonymous cash contribution that~~

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~~exceeds \$50, the legislative office candidate:~~

~~—— (i) shall, within five business days after receiving the contribution, submit the contribution to the lieutenant governor for deposit into the General Fund with the candidate's name and the date on which the candidate received the contribution; and~~

~~—— (ii) is not required to report the contribution on a financial statement.~~

~~—— (c) Within five business days after depositing a contribution described in Subsection (1)(b)(i), the lieutenant governor shall report on the website established under Section 20A-11-103:~~

~~—— (i) the amount of the contribution;~~

~~—— (ii) the date on which the candidate received the contribution; and~~

~~—— (iii) the name of the candidate who received the contribution.~~

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

~~—— (i) a personal use expenditure; or~~

~~—— (ii) an expenditure prohibited by law.~~

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

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

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

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

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

~~—— (i) for a cash contribution, that the cash is given to a legislative office candidate or a~~

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~~member of the candidate's personal campaign committee;~~

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

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

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

~~—— Section 5. Section **20A-11-401** is amended to read:~~

~~—— **20A-11-401. Officeholder financial reporting requirements -- Year-end summary report -- Officeholder as a political action committee officer -- Deposit of anonymous contribution.**~~

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

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

~~—— (i) this section; and~~

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

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

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

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

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

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

~~—— (v) for each nonmonetary contribution:~~

~~—— (A) the fair market value of the contribution with that information provided by the~~

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~~contributor; and~~

~~—— (B) a specific description of the contribution;~~

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

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

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

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

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

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

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

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

~~—— (4) An officeholder may:~~

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

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

~~—— (5) (a) If an officeholder receives an anonymous cash contribution or cash public service assistance that exceeds \$50, the officeholder:~~

~~—— (i) except as provided by Subsection (5)(c), shall, within five business days after receiving the contribution or public service assistance, submit the contribution or public service assistance to the lieutenant governor for deposit into the General Fund with the officeholder's name and the date on which the officeholder received the contribution or public service assistance; and~~

~~—— (ii) is not required to report the contribution or public service assistance on a financial~~

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statement:

~~—— (b) Within five business days after depositing a contribution or public service assistance described in Subsection (5)(a), the lieutenant governor shall report on the website established under Section 20A-11-103:~~

~~—— (i) the amount of the contribution or public service assistance;~~

~~—— (ii) the date on which the officeholder received the contribution or public service assistance; and~~

~~—— (iii) the name of the officeholder who received the contribution or public service assistance.~~

~~—— (c) (i) A local school board member shall:~~

~~—— (A) submit an anonymous cash contribution or cash public service assistance that exceeds \$50 to the school district's business administrator for deposit into the school district's general fund within five business days of receipt; and~~

~~—— (B) disclose to the county clerk the amount of the contribution or public service assistance and the date on which the local school board member received the contribution or public service assistance.~~

~~—— (ii) Within five business days after receiving the disclosure described in Subsection (5)(c)(i), the county clerk shall report on the county's website or the website established by the lieutenant governor under Section 20A-11-103:~~

~~—— (A) the amount of the contribution or public service assistance;~~

~~—— (B) the date on which the local school board member received the contribution or public service assistance; and~~

~~—— (C) the name of the local school board member who received the contribution or public service assistance.~~

~~—— Section 6. Section 20A-11-901 is amended to read:~~

‡ **20A-11-901. Political advertisements -- Requirement that ads designate responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of endorsements.**

(1) (a) Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor

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advertising facility, direct mailing, or any other type of general public political advertising, the advertisement:

(i) if paid for and authorized by a candidate or the candidate's campaign committee, shall clearly state that the advertisement has been paid for by the candidate or the campaign committee;

(ii) if paid for by another person but authorized by a candidate or the candidate's campaign committee, shall clearly state who paid for the advertisement and that the candidate or the campaign committee authorized the advertisement; or

(iii) if not authorized by a candidate or his campaign committee, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any candidate or candidate's committee.

(b) The requirements of Subsection (1)(a) do not apply to:

(i) lawn signs with dimensions of four by eight feet or smaller;

(ii) bumper stickers;

(iii) campaign pins, buttons, and pens; and

(iv) similar small items upon which the disclaimer cannot be conveniently printed.

(2) (a) A person who is not a reporting entity and pays for an electioneering communication shall file a report with the lieutenant governor within 24 hours of making the payment or entering into a contract to make the payment.

(b) The report shall include:

(i) the name and address of the person described in Subsection (2)(a);

(ii) the name and address of each person contributing at least \$100 to the person described in Subsection (2)(a) for the purpose of disseminating the electioneering communication;

(iii) the amount spent on the electioneering communication;

(iv) the name of the identified referenced candidate; and

(v) the medium used to disseminate the electioneering communication.

(3) A person may not, in order to promote the success of any candidate for nomination or election to any public office, or in connection with any question submitted to the voters, include or cause to be included the name of any person as endorser or supporter in any political advertisement, circular, poster, or publication without the express consent of that person.

## HB0493S03 compared with HB0493S02

(4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any newspaper or other periodical to induce him to advocate or oppose editorially any candidate for nomination or election.

(b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to advocate or oppose editorially any candidate for nomination or election.

~~{ Section 7. Section 20A-11-904 is amended to read:~~

~~20A-11-904. Contribution given in another's name prohibited -- Anonymous contribution prohibited.~~

~~A person may not:~~

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

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

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

~~(4) make a contribution that exceeds \$50 without disclosing the person's name.~~

~~Section 8. Section 20A-11-1301 is amended to read:~~

~~20A-11-1301. School board office candidate -- Campaign finance requirements -- Candidate as a political action committee officer.~~

~~(1) (a) (i) [Each] Except as provided by Subsection (1)(b), each school board office candidate shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.~~

~~(ii) A school board office candidate may:~~

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

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

~~(b) (i) If a candidate for the State Board of Education receives an anonymous cash contribution that exceeds \$50, the candidate:~~

~~(A) shall, within five business days after receiving the contribution, submit the contribution to the lieutenant governor for deposit into the General Fund with the candidate's name and the date on which the candidate received the contribution; and~~

~~(B) is not required to report the contribution on a financial statement.~~

~~(ii) Within five business days after depositing a contribution described in Subsection~~

## HB0493S03 compared with HB0493S02

~~(1)(b)(i), the lieutenant governor shall report on the website established under Section 20A-11-103:~~

~~—— (A) the amount of the contribution;~~

~~—— (B) the date on which the candidate received the contribution; and~~

~~—— (C) the name of the candidate who received the contribution.~~

~~—— (iii) If a candidate for local school board receives an anonymous cash contribution that exceeds \$50, the candidate:~~

~~—— (A) shall, within five business days after receiving the contribution, submit the contribution to the school district's business administrator for deposit into the school district's general fund;~~

~~—— (B) disclose to the county clerk the amount of the contribution and the date on which the candidate received the contribution; and~~

~~—— (C) is not required to report the contribution on a financial statement.~~

~~—— (iv) Within five business days of receiving the disclosure described in Subsection (1)(b)(iii)(B), the county clerk shall report on the county's website or the website established by the lieutenant governor under Section 20A-11-103:~~

~~—— (A) the amount of the contribution;~~

~~—— (B) the date on which the candidate received the contribution; and~~

~~—— (C) the name of the candidate who received the contribution.~~

~~—— [(b)] (c) A school board office candidate may not use money deposited in an account described in Subsection (1)(a)(i) for:~~

~~—— (i) a personal use expenditure; or~~

~~—— (ii) an expenditure prohibited by law.~~

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

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

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

## HB0493S03 compared with HB0493S02

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

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

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

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

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

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

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

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

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

~~‡~~