

2024  
**STATE SCHOOL BOARD  
DECLARATION OF WRITE-IN  
CANDIDACY**

of

First Name

Middle Name

Last Name

Print name EXACTLY as it shall appear on public notices.

THIS IS A **PUBLIC** FORM FOR DISPLAY ON THE STATE WEBSITE.

Office to file for: **State Board of Education**

District: \_\_\_\_\_

Address (Home or Mailing for public display):

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Email (Optional): \_\_\_\_\_

Please check the following box if it applies to you:

I currently hold the office for which I am seeking reelection, have previously filed a conflict-of-interest disclosure in accordance with Utah Code 20A-11-1603, and the conflict-of-interest disclosure is updated and accurate as of today's date.

\_\_\_\_\_  
Signature of Candidate (**must be signed in the presence of the filing officer**)

Subscribed and sworn before \_\_\_\_\_ this \_\_\_\_\_  
(filing officer name) (month/day/year)

(Seal)

Office of the Lieutenant Governor 2024

# QUALIFICATIONS FOR CANDIDATE FILING DECLARATION

**Please initial:**

\_\_\_\_\_ The filing officer read the constitutional and statutory qualifications as listed below to me, and I meet those qualifications.

\_\_\_\_\_ I agree to file all campaign financial disclosure reports, and I understand that failure to do so may result in my disqualification as a candidate for this office, possible fines and/or criminal penalties, including removal of my name from the ballot.

\_\_\_\_\_ I received a copy of the pledge of fair campaign practices, and I understand that signing this pledge is voluntary.

\_\_\_\_\_ I provided a valid email to the filing officer, and I understand this will be used for official communications and updates from election officials.

\_\_\_\_\_ I understand my name will appear on public notices as it is printed on this declaration of candidacy, and that **my name will not appear on the ballot**, but voters will need to write my name on the ballot to vote for me. I also realize this form is a public document and will be displayed publicly.

\_\_\_\_\_ I have received a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and its applicable deadline.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Filing Officer (Or Notary)

\_\_\_\_\_  
Date

# QUALIFICATIONS

Before the filing officer accepts any declaration of candidacy, the filing officer shall read to the candidate the constitutional and statutory requirements for candidacy, and the candidate shall state whether he/she fulfills the requirements. If the candidate indicates that he/she does not qualify, the filing officer may not accept his/her declaration of candidacy (Utah Code Section 20A-9-201, 201.5, 202).

## STATE BOARD OF EDUCATION

*Utah Code 20A-14-103(3) & 20A-9-201*

- U.S. Citizen
  - Reside in the State Board of Education district in which the person is seeking election for at least one year as of the date of the election
  - \*Qualified voter in the district from where the person is chosen
  - \*\*Not convicted of certain crimes
  - Pay filing fee of **\$90.61**
- No person holding any public office of profit or trust under authority of the United States, or of this State, shall be a member of the Legislature: provided that appointments in the State Militia, and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not, within the meaning of this section, be considered offices of profit or trust.

\* A qualified voter (1) is a citizen of the United States; (2) is a resident of Utah; (3) will, on the date of that election: be at least 18 years old, and have been a resident of Utah for 30 days immediately before that election; (4) and has registered to vote.

\*\*An individual convicted of certain crimes loses the right to hold office until convictions have been expunged OR the individual meets all of the following requirements: (1) 10 years have passed since the individual's most recent felony conviction, (2) The individual paid all court-ordered restitution and fines; and (3) the individual completed probation, granted parole, or completed the term of incarceration associated with the felony. An individual convicted of an election related misdemeanor has restored their rights to hold office according to Utah Code 20A-2-101.3.



## PLEDGE OF FAIR CAMPAIGN PRACTICES

(Utah Code §20A-9-206)

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Utah has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their right to a free election, and that the will of the people may be fully and clearly expressed on the issues.

### **THEREFORE:**

**I SHALL** conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents that I believe merit criticism.

**I SHALL NOT** use, nor shall I permit the use of, scurrilous attacks on any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful, provable, and relevant to my campaign.

**I SHALL NOT** use, nor shall I permit the use of, any practice that tends to corrupt or undermine our American system of free elections, or that hinders or prevents the free expression of the will of the voters, including practices intended to hinder or prevent any eligible person from registering to vote or voting.

**I SHALL NOT** coerce election help or campaign contributions for myself or for any other candidate from my employees or volunteers.

**I SHALL** immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take firm action against any subordinate who violates any provision of this pledge or the laws governing elections.

**I SHALL** defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of Utah, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

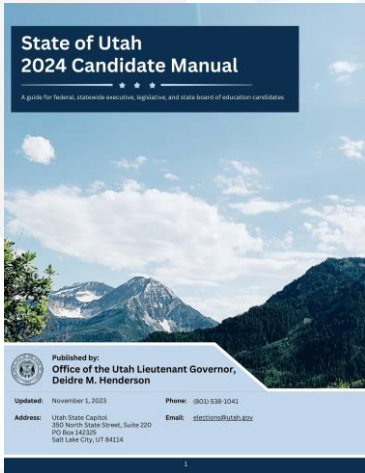
Name: \_\_\_\_\_ Office: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\*This is a voluntary pledge. Candidates are not required to sign this pledge of fair campaign practices.**

**\*This document is considered a public record and will be retained for public inspection until 30 days following the election.**

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# 2024

# UTAH CANDIDATE MANUAL

A guide for federal, statewide executive, legislative, and state board of education candidates

- ✓ Gathering signatures & going through convention
- ✓ Filing and reporting your campaign's finances
- ✓ Submitting your online candidate profile
- ✓ Following campaign laws and regulations
- ✓ Important election dates

Head to: [vote.utah.gov](https://vote.utah.gov)

- ➔ "Resources for Candidates, Political Groups & Parties"
- ➔ "2024 Candidate Manual"

# Submitting Your Candidate Profile

The Lieutenant Governor's Office provides candidates with the opportunity to submit a candidate profile for the website [VOTE.UTAH.GOV](https://vote.utah.gov). Your profile includes biographical information, a picture, and a short statement.

**Candidates are responsible for submitting their profile by the deadline. Deadlines are established by law (see 20A-7-801(4)). As a result, late submissions cannot be accepted. Due to the volume of profiles being submitted, edits after submission cannot be accommodated.**

This year, candidates will receive an email link to complete their bio. Candidates MUST sign up to receive a candidate profile link. After filing, please follow the instructions below to subscribe to our candidate profile list.

## HOW DO I SUBMIT MY PROFILE?

1. Candidates must subscribe to receive a candidate profile and information relating to candidate profiles. To do so, visit the website [VOTE.UTAH.GOV](https://vote.utah.gov) and select the button "Resources for Candidates, Political Groups & Parties" at the bottom of the page.
2. After being directed to a new page, select "Submit A Candidate Profile." **Please read and review the information on the page carefully.**
3. After reading the page, select "Submit Candidate Information." Complete the form and submit it.
4. Beginning on April 29, **primary election candidates that have subscribed** will receive an email from Qualtrics to submit their bio. If you subscribed but did not receive an email on the date specified, please contact our office. Links will be sent to candidates on a weekly basis and daily the last week profiles can be submitted. **General election candidates will receive information at a later date (see below).**
5. Click the link and complete the form. Once the submission deadline has ended, our office will review the submissions over the next few weeks and notify candidates if their profiles require correction.
6. After the review period is over and before ballots are sent, our office will post the profiles on [VOTE.UTAH.GOV](https://vote.utah.gov) under the "Learn About Candidates and Issues" tab.

## WHEN CAN I SUBMIT MY PROFILE?

### PRIMARY Election Candidates:

- Profiles must be submitted by **May 13, 2024, at 5:00p.m. MDT**. Late submissions cannot be accepted.

### GENERAL Election Candidates:

- **Beginning August 1, 2024**, candidates will receive a link to their email.

Profiles must be submitted by **September 6, 2024, at 5:00 p.m. MDT**. Late submissions cannot be accepted.

Do you need assistance with your candidate profile? Contact the Utah Lieutenant Governor's Office at

**(801) 538-1041** or [elections@utah.gov](mailto:elections@utah.gov).

Open Monday – Friday, 8:00 am – 5:00 pm (state and national holidays excluded)

**Effective 5/5/2021**

**20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.**

- (1) There is established the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks for general elections and municipal authorities for municipal elections.
- (2) In accordance with this section, and as resources become available, the lieutenant governor, in cooperation with county clerks, shall develop, establish, and maintain a state-provided Internet website designed to help inform the voters of the state of:
  - (a) the offices and candidates up for election;
  - (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters; and
  - (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5, accessible only by the voter.
- (3) Except as provided under Subsection (6), the website shall include:
  - (a) all information currently provided in the Utah voter information pamphlet under Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and submitted by the Judicial Performance Evaluation Commission describing the judicial selection and retention process;
  - (b) on the homepage of the website, a link to the Judicial Performance Evaluation Commission's website, [judges.utah.gov](http://judges.utah.gov);
  - (c) a link to the retention recommendation made by the Judicial Performance Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial Performance Evaluation, for each judicial appointee to a court that is subject to a retention election, in accordance with Section 20A-12-201, for the upcoming general election;
  - (d) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions;
  - (e) a list that contains the name of a political subdivision that operates an election day voting center under Section 20A-3a-703 and the location of the election day voting center;
  - (f) other information determined appropriate by the lieutenant governor that is currently being provided by law, rule, or ordinance in relation to candidates and ballot questions;
  - (g) any differences in voting method, time, or location designated by the lieutenant governor under Subsection 20A-1-308(2); and
  - (h) an online ballot tracking system by which a voter can view the status of the voter's trackable ballot, in accordance with Section 20A-3a-401.5, including:
    - (i) when a ballot has been mailed to the voter;
    - (ii) when an election official has received the voter's ballot; and
    - (iii) when the voter's ballot has been counted.
- (4)
  - (a) An election official shall submit the following information for each ballot under the election official's direct responsibility under this title:
    - (i) a list of all candidates for each office;
    - (ii) if submitted by the candidate to the election official's office before 5 p.m. no later than 45 days before the primary election or before 5 p.m. no later than 60 days before the general election:
      - (A) a statement of qualifications, not exceeding 200 words in length, for each candidate;
      - (B) the following current biographical information if desired by the candidate, current:
        - (I) age;
        - (II) occupation;
        - (III) city of residence;
        - (IV) years of residence in current city; and
        - (V) email address; and
      - (C) a single web address where voters may access more information about the candidate and the candidate's views; and
    - (iii) factual information pertaining to all ballot propositions submitted to the voters, including:
      - (A) a copy of the number and ballot title of each ballot proposition;



- (B) the final vote cast for each ballot proposition, if any, by a legislative body if the vote was required to place the ballot proposition on the ballot;
  - (C) a complete copy of the text of each ballot proposition, with all new language underlined and all deleted language placed within brackets; and
  - (D) other factual information determined helpful by the election official.
- (b) The information under Subsection (4)(a) shall be submitted to the lieutenant governor no later than one business day after the deadline under Subsection (4)(a) for each general election year and each municipal election year.
- (c) The lieutenant governor shall:
- (i) review the information submitted under this section, to determine compliance under this section, prior to placing it on the website;
  - (ii) refuse to post information submitted under this section on the website if it is not in compliance with the provisions of this section; and
  - (iii) organize, format, and arrange the information submitted under this section for the website.
- (d) The lieutenant governor may refuse to include information the lieutenant governor determines is not in keeping with:
- (i) Utah voter needs;
  - (ii) public decency; or
  - (iii) the purposes, organization, or uniformity of the website.
- (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection (5).
- (5)
- (a) A person whose information is refused under Subsection (4), and who is aggrieved by the determination, may appeal by submitting a written notice of appeal to the lieutenant governor before 5 p.m. within 10 business days after the date of the determination. A notice of appeal submitted under this Subsection (5)(a) shall contain:
- (i) a listing of each objection to the lieutenant governor's determination; and
  - (ii) the basis for each objection.
- (b) The lieutenant governor shall review the notice of appeal and shall issue a written response within 10 business days after the day on which the notice of appeal is submitted.
- (c) An appeal of the response of the lieutenant governor shall be made to the district court, which shall review the matter de novo.
- (6)
- (a) The lieutenant governor shall ensure that each voter will be able to conveniently enter the voter's address information on the website to retrieve information on which offices, candidates, and ballot propositions will be on the voter's ballot at the next general election or municipal election.
- (b) The information on the website will anticipate and answer frequent voter questions including the following:
- (i) what offices are up in the current year for which the voter may cast a vote;
  - (ii) who is running for what office and who is the incumbent, if any;
  - (iii) what address each candidate may be reached at and how the candidate may be contacted;
  - (iv) for partisan races only, what, if any, is each candidate's party affiliation;
  - (v) what qualifications have been submitted by each candidate;
  - (vi) where additional information on each candidate may be obtained;
  - (vii) what ballot propositions will be on the ballot; and
  - (viii) what judges are up for retention election.
- (7) The lieutenant governor shall ensure that each voter may conveniently enter the voter's name, date of birth, and address information on the website to retrieve information on the status of the voter's ballot if the voter's ballot is trackable under Section 20A-3a-401.5.
- (8) As resources are made available and in cooperation with the county clerks, the lieutenant governor may expand the electronic voter information website program to include the same information as provided under this section for special elections and primary elections.

## 2024 Financial Disclosure Deadlines

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- Campaign Financial Disclosures are due by 11:59 p.m. on the due date.
- Campaign finance statements should include all contributions received and expenditures made up to and including 5 days before the campaign finance statement is due.

Report Name	Due Date	Report includes all transactions between	Who this applies to
Convention	7 days before convention	When candidacy begins - 5 days before convention report is due	All partisan candidates (Not state board of education candidates)
March 23rd	March 23, 2024	When candidacy begins - March 18, 2024	Unaffiliated legislative and state office candidates
May 15th	May 15, 2024	When candidacy begins - May 10, 2024	State board of education candidates only
Primary Election	June 18, 2024	5 days before the previous report - June 13, 2024	All candidates
September 30th	September 30, 2024	June 14, 2024 - September 25, 2024	All candidates
General Election	October 29, 2024	September 26, 2024 - October 24, 2024	All candidates
Year-End	January 10, 2025	October 25, 2024, December 31, 2024	All candidates

## How to File Campaign and Financial Disclosures Reports

All financial disclosures must be filed online at [disclosures.utah.gov](http://disclosures.utah.gov). Failure to file a financial disclosure report by 11:59 p.m. on the due date may result in disqualification, possible fines, and/or criminal penalties. Follow these steps to report and file:

1. Create Your User Profile

- a. Visit [www.disclosures.utah.gov](http://www.disclosures.utah.gov).
- b. Create a “New User” by clicking the tab on the left side of the page. Each time you return to the disclosures website, you will log on using the username and password you create in this step.  
 >> *Skip this step if you already have a username.*



2. Create Entity

- a. If you already have a candidate account on [disclosures.utah.gov](http://disclosures.utah.gov), call 801-538-1041 to open a 2022 folder.
- b. Once you have an entity, you will report all contributions and expenditures on your “Financial Ledger” located in “My Folder.”

3. Report Contributions & Expenditures

- a. **Contributions:** clicking “Add” next to Contributions (+) in your ledger will bring up this window:

- b. **Expenditures:** clicking “Add” next to Expenditures (-) in your ledger will bring up this window:

When you enter a contribution or expenditure, the ledger will *automatically update*. You only need to click “File Report” once you have entered all contributions and expenditures for a reporting period.

4. File Reports

- a. Your report is considered timely filed if it is submitted before 11:59 p.m. on the due date.
- b. To file your report, click “File Report” on the right side of your ledger. Any changes will show as amendments once you click “File Report” in your financial ledger.
- c. If you click “File Report” before the report is complete, please call the Lieutenant Governor’s Office.

#	Date	Name	Purpose/Address	Contributions (+) <input type="button" value="Add"/>	Expenditures (-) <input type="button" value="Add"/>	Balance	I	L	A	P	<input type="button" value="Show Filters"/>
<a href="#">Manage</a>		Beginning Balance for 2018				\$0.00					
<a href="#">Show Details</a>		Convention		\$0.00	\$0.00	\$0.00					<input type="button" value="File Report"/>
<a href="#">Show Details</a>		Primary		\$0.00	\$0.00	\$0.00					<input type="button" value="File Report"/>
<a href="#">Show Details</a>		September 30th		\$0.00	\$0.00	\$0.00					<input type="button" value="File Report"/>
<a href="#">Show Details</a>		General		\$0.00	\$0.00	\$0.00					<input type="button" value="File Report"/>
<a href="#">Show Details</a>		Year End		\$0.00	\$0.00	\$0.00					<input type="button" value="File Report"/>
		Year-end Totals:		\$0.00	\$0.00	\$0.00					

## Campaign Finance Statutes: All Candidates

Effective 2/27/2023

20A-11-101. Definitions.

As used in this chapter:

- (1)
  - (a) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.
  - (b) "Address" does not include a post office box.
- (2) "Agent of a reporting entity" means:
  - (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;
  - (b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;
  - (c) the personal campaign committee of a candidate or officeholder;
  - (d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the candidate or officeholder; or
  - (e) a political consultant of a reporting entity.
- (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.
- (4) "Candidate" means any person who:
  - (a) files a declaration of candidacy for a public office; or
  - (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.
- (5) "Chief election officer" means:
  - (a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and
  - (b) the county clerk for local school board candidates.
- (6)
  - (a) "Contribution" means any of the following when done for political purposes:
    - (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;
    - (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;
    - (iii) any transfer of funds from another reporting entity to the filing entity;
    - (iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
    - (v) remuneration from:
      - (A) any organization or its directly affiliated organization that has a registered lobbyist; or
      - (B) any agency or subdivision of the state, including school districts;
    - (vi) a loan made by a candidate deposited to the candidate's own campaign; and
    - (vii) in-kind contributions.
  - (b) "Contribution" does not include:
    - (i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;
    - (ii) money lent to the filing entity by a financial institution in the ordinary course of business;
    - (iii) goods or services provided for the benefit of a political entity at less than fair market value that are not authorized by or coordinated with the political entity; or
    - (iv) data or information described in Subsection (24)(b).
- (7) "Coordinated with" means that goods or services provided for the benefit of a political entity are provided:
  - (a) with the political entity's prior knowledge, if the political entity does not object;
  - (b) by agreement with the political entity;
  - (c) in coordination with the political entity; or
  - (d) using official logos, slogans, and similar elements belonging to a political entity.
- (8)
  - (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:
    - (i) the purpose of expressly advocating for political purposes; or
    - (ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.
  - (b) "Corporation" does not mean:
    - (i) a business organization's political action committee or political issues committee; or
    - (ii) a business entity organized as a partnership or a sole proprietorship.
- (9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.

- (10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.
- (11) "Detailed listing" means:
- (a) for each contribution or public service assistance:
    - (i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;
    - (ii) the amount or value of the contribution or public service assistance; and
    - (iii) the date the contribution or public service assistance was made; and
  - (b) for each expenditure:
    - (i) the amount of the expenditure;
    - (ii) the goods or services acquired by the expenditure; and
    - (iii) the date the expenditure was made.
- (12)
- (a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.
  - (b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure.
- (13) "Election" means each:
- (a) regular general election;
  - (b) regular primary election; and
  - (c) special election at which candidates are eliminated and selected.
- (14) "Electioneering communication" means a communication that:
- (a) has at least a value of \$10,000;
  - (b) clearly identifies a candidate or judge; and
  - (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.
- (15)
- (a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:
    - (i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
    - (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
    - (iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
    - (iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
    - (v) a transfer of funds between the filing entity and a candidate's personal campaign committee;
    - (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value; or
    - (vii) an independent expenditure, as defined in Section 20A-11-1702.
  - (b) "Expenditure" does not include:
    - (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
    - (ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or
    - (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.
- (16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.
- (17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- (18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- (19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.
- (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal Incorporation, by which a geographical area becomes legally recognized as a city, town, or metro township.
- (21) "Incorporation election" means the election conducted under Section 10-2a-210 or 10-2a-404.
- (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- (23) "Individual" means a natural person.
- (24)
- (a) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.
  - (b) "In-kind contribution" does not include survey results, voter lists, voter contact information, demographic data, voting trend data, or other information that:

- (i) is not commissioned for the benefit of a particular candidate or officeholder; and
- (ii) is offered at no cost to a candidate or officeholder.
- (25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.
- (26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.
- (27) "Legislative office candidate" means a person who:
  - (a) files a declaration of candidacy for the office of state senator or state representative;
  - (b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or
  - (c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.
- (28) "Loan" means any of the following provided by a person that benefits a filing entity if the person expects repayment or reimbursement:
  - (a) an expenditure made using any form of payment;
  - (b) money or funds received by the filing entity;
  - (c) the provision of a good or service with an agreement or understanding that payment or reimbursement will be delayed; or
  - (d) use of any line of credit.
- (29) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.
- (30) "Officeholder" means a person who holds a public office.
- (31) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.
- (32) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.
- (33) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.
- (34) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.
- (35)
  - (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
    - (i) solicit or receive contributions from any other person, group, or entity for political purposes; or
    - (ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.
  - (b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.
  - (c) "Political action committee" does not mean:
    - (i) a party committee;
    - (ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;
    - (iii) an individual;
    - (iv) individuals who are related and who make contributions from a joint checking account;
    - (v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or
    - (vi) a personal campaign committee.
- (36)
  - (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.
  - (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where the person:
    - (i) has already been paid, with money or other consideration;
    - (ii) expects to be paid in the future, with money or other consideration; or
    - (iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.
- (37) "Political convention" means a county or state political convention held by a registered political party to select candidates.
- (38) "Political entity" means a candidate, a political party, a political action committee, or a political issues committee.
- (39)
  - (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
    - (i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
    - (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or

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

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

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

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

(iii) an individual;

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

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

(vi) a group of individuals who:

(A) associate together for the purpose of challenging or supporting a single ballot proposition, ordinance, or other governmental action by a county, city, town, special district, special service district, or other local political subdivision of the state;

(B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;

(C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A), via a legal entity;

(D) do not receive funds for challenging or supporting the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and

(E) do not expend a total of more than \$5,000 for the purpose described in Subsection (39)(b)(vi)(A).

(40)

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

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

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

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

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

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

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

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

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

(41)

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

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

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

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

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

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

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

(42) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or

(b) judge standing for retention at any election.

(43)

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

(b) "Poll" does not include:

(i) a ballot; or

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

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

- (B) all individuals in the focus group are present during the interview.
- (44) "Primary election" means any regular primary election held under the election laws.
- (45) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.
- (46) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.
- (47)
- (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:
- (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or
- (ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.
- (b) "Public service assistance" does not include:
- (i) anything provided by the state;
- (ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;
- (iii) money lent to an officeholder by a financial institution in the ordinary course of business;
- (iv) news coverage or any publication by the news media; or
- (v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.
- (48) "Receipts" means contributions and public service assistance.
- (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.
- (50) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.
- (51) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.
- (52) "Registered political party" means an organization of voters that:
- (a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or
- (b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.
- (53)
- (a) "Remuneration" means a payment:
- (i) made to a legislator for the period the Legislature is in session; and
- (ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.
- (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- (i) the legislator's primary employer in the ordinary course of business; or
- (ii) a person or entity in the ordinary course of business:
- (A) because of the legislator's ownership interest in the entity; or
- (B) for services rendered by the legislator on behalf of the person or entity.
- (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.
- (55) "School board office" means the office of state school board.
- (56)
- (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.
- (b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.
- (57) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.
- (58) "State office candidate" means a person who:
- (a) files a declaration of candidacy for a state office; or
- (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office.
- (59) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.
- (60) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.



20A-11-101.3 Detailed listing and report requirements -- Rulemaking authority.

(1) As used in this section:

(a) "Advertising" includes:

- (i) website development and maintenance;
- (ii) social media;
- (iii) television, newspaper, or radio; or
- (iv) a convention booth.

(b) "Association expense" means a membership fee for:

- (i) a political association; or
- (ii) an association related to an activity of a candidate or an officeholder.

(c) "Campaign Expense" includes:

- (i) district mapping;
- (ii) voter data;
- (iii) a phone bank;
- (iv) fund-raising expenses;
- (v) campaign assistance or consulting;
- (vi) campaign technology;
- (vii) campaign management;
- (viii) campaign interns; or
- (ix) food, and related expenses, purchased:
  - (A) for a campaign event; or
  - (B) for consumption by a candidate or campaign staff while conducting work relating to a campaign.

(d) "Donations" includes giving to a charitable organization.

(e) "Loans" includes repaying loans.

(f) "Office expense" includes:

- (i) an email server;
- (ii) phones;
- (iii) phone service;
- (iv) computers;
- (v) printers;
- (vi) furniture;
- (vii) tools and hardware; or
- (viii) food, and related expenses, purchased for consumption during an officeholder activity.

(g) "Political support" includes contributions made to other candidates or political action committees.

(h) "Supplies" includes:

- (i) signs;
  - (ii) sign holders;
  - (iii) parade supplies;
  - (iv) t-shirts;
  - (v) other campaign goods;
  - (vi) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or an officeholder;
  - (vii) printed materials; or
  - (viii) postage.
- (i) "Travel expenses" includes:
- (i) political conference registration;
  - (ii) airfare;
  - (iii) hotels;
  - (iv) food, and related expenses, purchased for consumption during travel;
  - (v) vehicle mileage reimbursement; or
  - (vi) incidental expenses while traveling.

(2) As it relates to an expenditure, a detailed listing includes identifying the expenditure as falling within one of the following categories:

- (a) advertising;
- (b) association expense;
- (c) campaign expense;
- (d) constituent services;
- (e) donations;
- (f) loans;
- (g) office;
- (h) political support;

- (i) return of a contribution;
  - (j) signature gathering;
  - (k) supplies;
  - (l) travel expenses; or
  - (m) other expenditures that do not fall within a category described in Subsections (2)(a) through (l), followed by a description of the expenditure.
- (3) The director of elections, within the Lieutenant Governor's Office, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in relation to the form, type, and level of detail required in a detailed listing or a financial disclosure form.

Amended by Chapter 20, 2021 General Session

20A-11-101.5 Disclosure of actual source or recipient required.

- (1) As used in this section, "transactional intermediary" means a person, including a credit card company, a financial institution, or a money transfer service, that pays or transfers money to a person on behalf of another person.
- (2) When, under this chapter, a person makes a detailed listing, discloses or reports the source of a contribution, discloses or reports the person or entity to whom a disbursement is made, or discloses or reports the identity of a donor, the person:
- (a) shall reveal the actual source of the contribution, the actual person or entity to whom the disbursement is ultimately made, or the actual identity of the donor; and
  - (b) may not merely list, disclose, or report the transactional intermediary.

Enacted by Chapter 18, 2014 General Session

20A-11-101.7 Concealing contributor's identity.

A person is guilty of a class B misdemeanor if the person conspires with another to make a contribution through one or more persons with the intent that:

- (1) the contribution will ultimately be made to a filing entity specified by the original contributor or a designee of the original contributor; and
- (2) by making the contribution through one or more persons, the original contributor's identity will not be disclosed in a manner that would be required by law.

Enacted by Chapter 39, 2017 General Session

20A-11-103 Notice of pending interim and summary reports -- Form of submission -- Public availability -- Notice of reporting and filing requirements.

- (1)
- (a) Except as provided under Subsection (1)(b), 10 days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by electronic mail unless postal mail is requested:
    - (i) that the financial statement is due;
    - (ii) of the date that the financial statement is due; and
    - (iii) of the penalty for failing to file the financial statement.
  - (b) The chief election officer is not required to provide notice:
    - (i) to a candidate or political party of the financial statement that is due before the candidate's or political party's political convention;
    - (ii) of a financial statement due in connection with a public hearing for an initiative under the requirements of Section 20A-7-204.1; or
    - (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.
- (2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.
- (3)
- (a) A financial statement is considered timely filed if the financial statement is received by the chief election officer's office before midnight, Mountain Time, at the end of the day on which the financial statement is due.
  - (b) For a county clerk's office that is not open until midnight at the end of the day on which a financial statement is due, the county clerk shall permit a candidate to file the financial statement via email or another electronic means designated by the county clerk.
  - (c) A chief election officer may extend the time in which a filing entity is required to file a financial statement if a filing entity notifies the chief election officer of the existence of an extenuating circumstance that is outside the control of the filing entity.
- (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the lieutenant governor 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) post an electronic copy or the contents of each financial statement in a searchable format on a website established by the lieutenant governor:

(i) for campaign finance statements submitted to the lieutenant governor under the requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after the date of receipt of the campaign finance statement; or

(ii) for a summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date the summary report or interim report is electronically filed.

(5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5, elects to provide campaign finance disclosure on its own website, rather than through the lieutenant governor, the website established by the lieutenant governor shall contain a link or other access point to the municipality or county website.

(6) Between January 1 and January 15 of each year, the chief election officer shall provide notice, by postal mail or email, to each filing entity for which the chief election officer has a physical or email address, of the reporting and filing requirements described in this chapter.

Amended by Chapter 16, 2016 General Session

20A-11-104 Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.

(1)

(a) As used in this chapter, "personal use expenditure" means an expenditure that:

(i)

(A) is not excluded from the definition of personal use expenditure by Subsection (2); and

(B) primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder; or

(ii) would likely cause the candidate or officeholder to recognize the expenditure as taxable income under federal or state law.

(b) "Personal use expenditure" includes:

(i) a mortgage, rent, utility, or vehicle payment;

(ii) a household food item or supply;

(iii) a clothing expense, except:

(A) clothing bearing the candidate's name or campaign slogan or logo that is used in the candidate's campaign; or

(B) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or officeholder;

(iv) an admission to a sporting, artistic, or recreational event or other form of entertainment;

(v) dues, fees, or gratuities at a country club, health club, or recreational facility;

(vi) a salary payment made to:

(A) a candidate or officeholder; or

(B) a person who has not provided a bona fide service to a candidate or officeholder;

(vii) a vacation;

(viii) a vehicle expense;

(ix) a meal expense;

(x) a travel expense;

(xi) a payment of an administrative, civil, or criminal penalty;

(xii) a satisfaction of a personal debt;

(xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;

(xiv) a membership fee for a professional or service organization; and

(xv) a payment in excess of the fair market value of the item or service purchased.

(2) As used in this chapter, "personal use expenditure" does not include an expenditure made:

(a) for a political purpose;

(b) for candidacy for public office;

(c) to fulfill a duty or activity of an officeholder;

(d) for a donation to a registered political party;

(e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;

(f) to return all or a portion of a contribution to a contributor;

(g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:

(i)

(A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or

(B) for motor fuel or special fuel, as defined in Section 59-13-102;

(ii) a food expense, including food or beverages:

(A) served at a campaign event;

(B) served at a charitable event;

(C) consumed, or provided to others, by a candidate while the candidate is engaged in campaigning;

(D) consumed, or provided to others, by an officeholder while the officeholder is acting in the capacity of an officeholder; or

- (E) provided as a gift to an individual who works on a candidate's campaign or who assists an officeholder in the officeholder's capacity as an officeholder;
- (iii) a travel expense of a candidate, if the primary purpose of the travel is related to the candidate's campaign, including airfare, car rental, other transportation, hotel, or other expenses incidental to the travel;
- (iv) a travel expense of an individual assisting a candidate, if the primary purpose of the travel by the individual is to assist the candidate with the candidate's campaign, including an expense described in Subsection (2)(g)(iii);
- (v) a travel expense of an officeholder, if the primary purpose of the travel is related to an activity or duty of the officeholder, including an expense described in Subsection (2)(g)(iii);
- (vi) a travel expense of an individual assisting an officeholder, if the primary purpose of the travel by the individual is to assist the officeholder in an activity or duty of an officeholder, including an expense described in Subsection (2)(g)(iii);
- (vii) a payment for a service provided by an attorney or accountant;
- (viii) a tuition payment or registration fee for participation in a meeting or conference;
- (ix) a gift;
- (x) a payment for the following items in connection with an office space:
- (A) rent;
- (B) utilities;
- (C) a supply; or
- (D) furnishing;
- (xi) a booth at a meeting or event;
- (xii) educational material; or
- (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of an officeholder;
- (h) to purchase or mail informational material, a survey, or a greeting card;
- (i) for a donation to a charitable organization, as defined by Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;
- (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
- (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
- (l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community;
- (m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2), including related travel expenses and other expenses, if attendance by the guest is for a primary purpose described in Subsection (2)(g)(iv) or (vi); or
- (n) to pay childcare expenses of:
- (i) a candidate while the candidate is engaging in campaign activity; or
- (ii) an officeholder while the officeholder is engaging in the duties of an officeholder.
- (3)
- (a) The lieutenant governor shall enforce this chapter prohibiting a personal use expenditure by:
- (i) evaluating a financial statement to identify a personal use expenditure; and
- (ii) commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to believe a candidate or officeholder has made a personal use expenditure.
- (b) Following the proceeding, the lieutenant governor may issue a signed order requiring a candidate or officeholder who has made a personal use expenditure to:
- (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the lieutenant governor; and
- (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.
- (c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in the General Fund.

Amended by Chapter 20, 2021 General Session

20A-11-105 Deadline for payment of fine.

A person against whom the lieutenant governor imposes a fine under this chapter shall pay the fine before 5 p.m. within 30 days after the day on which the lieutenant governor imposes the fine.

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

- (1) Except as provided in Subsections 20A-11-512(1)(b) and (4), the chief election officer shall fine a filing entity \$100 for failing to file a financial statement by the filing deadline.
- (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine against the candidate or treasurer, as appropriate.
- (3) The chief election officer shall deposit fines collected under this chapter in the General Fund.

## Campaign Finance Statutes: Statewide Candidates

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

(1)

(a) Each state office candidate or the candidate's personal campaign committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.

(b) 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.

(c) Each state officeholder or the state officeholder's personal campaign committee shall deposit each contribution and public service assistance received in one or more separate campaign accounts in a financial institution.

(d) A state officeholder or a state officeholder'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) 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.

(b) A state officeholder or the state officeholder's personal campaign committee 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 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 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), "received" means the same as that term is defined in Subsection 20A-11-204(1)(b).

(b) Each state office candidate shall report to the lieutenant governor each contribution received by the state office candidate:

- (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which the contribution is received; or
- (ii) within seven business days after the day on which the contribution is received, if:

(A) the state office candidate is contested in a convention and the contribution is received within 30 days before the day on which the convention is held;

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

(C) the state office candidate is contested in a general election and the contribution is received within 30 days before the day on which the general election is held.

(c) Except as provided in Subsection (5)(d), for each contribution that a state office candidate fails to report within the time period described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state office candidate in an amount equal to:

- (i) 10% of the amount of the contribution, if the state office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or
- (ii) 20% of the amount of the contribution, if the state office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends.

(d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue a warning to the state office candidate if:

- (i) the contribution that the state office candidate fails to report is paid by the state office candidate from the state office candidate's personal funds;
- (ii) the state office candidate has not previously violated Subsection (5)(c) in relation to a contribution paid by the state office candidate from the state office candidate's personal funds; and
- (iii) the lieutenant governor determines that the failure to timely report the contribution is due to the state office candidate not understanding that the reporting requirement includes a contribution paid by a state office candidate from the state office candidate's personal funds.

(e) The lieutenant governor shall:

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

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

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

- (B) the amount of the fine;
- (C) the amount of the contribution to which the fine relates; and
- (D) the date of the contribution.

(6)

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

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

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

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

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

(7) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse the amount of the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Amended by Chapter 20, 2021 General Session

Effective 3/3/2022

20A-11-202. State office candidate -- Personal campaign committee required -- Candidate as a political action committee officer.

(1)

(a)

(i) Each state office candidate shall select no more than one personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and file reports connected with the candidate's campaign.

(ii) A state office candidate may serve as the candidate's own campaign committee.

(iii) A state office candidate may be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(b) Except for expenses made by a registered political party to benefit a party's candidates generally, a state office candidate or other person acting in concert with or with the knowledge of the state office candidate may not receive any contributions or make any expenditures on behalf of a state office candidate other than through:

(i) a personal campaign committee established under this section; and

(ii) a political action committee established under Part 6, Political Action Committee Registration and Financial Reporting Requirements.

(2)

(a) The state office candidate shall file a written statement signed by the candidate or authorized member of the candidate's personal campaign committee with the lieutenant governor that:

(i) informs the lieutenant governor that the state office candidate's personal campaign committee has been selected; and

(ii) provides the name and address of each member and the secretary of the committee.

(b) A state office candidate or the candidate's personal campaign committee may not make any expenditures on behalf of the candidate until the statement has been filed.

(c) A state office candidate may revoke the selection of any member of the campaign committee by:

(i) revoking that individual's appointment or election in writing;

(ii) personally serving the written revocation on the member whose selection is revoked; and

(iii) filing a copy of the written revocation with the lieutenant governor.

(d)

(i) The state office candidate may select a replacement to fill any vacancy on the campaign committee.

(ii) The state office candidate shall file that replacement's name and address with the lieutenant governor.

(3) A member of a state office candidate's personal campaign committee may not make an expenditure of more than \$1,000 unless the state office candidate or the secretary of the personal campaign committee authorizes the expenditure in writing.

(4) A state office candidate or the candidate's personal campaign committee may not make any expenditures prohibited by law.

Amended by Chapter 18, 2022 General Session

20A-11-203 State office candidate -- Financial reporting requirements -- Year-end summary report.

(1)

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

(b) In addition to the requirements of Subsection (1)(a), a former state office candidate that has not filed the statement of dissolution

and final summary report required under Section 20A-11-205 shall continue to file a summary report on January 10 of each year.

(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 financial statement, if any;

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

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

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

(v) for each nonmonetary contribution:

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

(B) a specific description of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim 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, if any, plus all receipts minus all expenditures; and

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

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

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

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

Amended by Chapter 74, 2019 General Session

20A-11-204 State office candidate and state officeholder -- Financial reporting requirements -- Interim reports.

(1) As used in this section:

(a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1)(a) or (c).

(b) "Received" means:

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

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

(iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

(A) the day on which the state office candidate or a member of the state office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;

(B) the day on which the state office candidate or a member of the state office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or

(C) 31 days after the day on which the direct deposit occurs; or

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

(2) Except as provided in Subsection (3), each state office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

(a)

(i) seven days before the candidate's political convention; or

(ii) for an unaffiliated candidate, the fourth Saturday in March;

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

(c) September 30; and

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

(3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the state office candidate:

(a) shall file an interim report:

(i)

(A) no later than seven days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-504; and

(B) two days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Subsection 20A-1-504(1)(b)(i); or

(ii) if a state office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the party meets; and

(b) is not required to file an interim report at the times described in Subsection (1).

(4) Each interim report shall include the following information:

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

- (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
  - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
  - (d) a detailed listing of:
    - (i) for a state office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
    - (ii) for a state officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
  - (e) for each nonmonetary contribution:
    - (i) the fair market value of the contribution with that information provided by the contributor; and
    - (ii) a specific description of the contribution;
  - (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
  - (g) for each nonmonetary expenditure, the fair market value of the expenditure;
  - (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
  - (i) a summary page in the form required by the lieutenant governor that identifies:
    - (i) beginning balance;
    - (ii) total contributions and public service assistance received during the period since the last statement;
    - (iii) total contributions and public service assistance received to date;
    - (iv) total expenditures during the period since the last statement; and
    - (v) total expenditures to date; and
  - (j) the name of a political action committee for which the state office candidate or state officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- (5)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.
  - (b) Any negotiable instrument or check received by a state office candidate or state officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 20, 2021 General Session

20A-11-205 State office candidate -- Financial reporting requirements -- Termination of duty to report.

- (1) Each state office candidate and the candidate's personal campaign committee is active and subject to interim reporting requirements until:
  - (a) the candidate withdraws or is eliminated in a convention or primary; or
  - (b) if seeking appointment as a midterm vacancy state office candidate:
    - (i) the political party liaison fails to forward the person's name to the governor; or
    - (ii) the governor fails to appoint the person to fill the vacancy.
- (2) Each state office candidate and the candidate's personal campaign committee is active and subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:
  - (a) the state office candidate or the personal campaign committee is no longer receiving contributions and is no longer making expenditures;
  - (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-201 is zero; and
  - (c) a final summary report in the form required by Section 20A-11-203 showing a zero balance is attached to the statement of dissolution.
- (3) A statement of dissolution and a final summary report may be filed at any time.
- (4) Each state office candidate and the candidate's personal campaign committee shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Amended by Chapter 170, 2013 General Session

20A-11-206 State office candidate -- Failure to file reports -- Penalties.

- (1) A state office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- (2) If a state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d), the lieutenant governor may send an electronic notice to the state office candidate and the political party of which the state office candidate is a member, if any, that states:
  - (a) that the state office candidate failed to timely file the report; and



(b) that, if the state office candidate fails to file the report within 24 hours after the deadline for filing the report, the state office candidate will be disqualified and the political party will not be permitted to replace the candidate.

(3)

(a) The lieutenant governor shall disqualify a state office candidate and inform the county clerk and other appropriate election officials that the state office candidate is disqualified if the state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d) within 24 hours after the deadline for filing the report.

(b) The political party of a state office candidate who is disqualified under Subsection (3)(a) may not replace the state office candidate.

(4)

(a) If a state office candidate is disqualified under Subsection (3)(a), the election official shall:

(i) remove the state office candidate's name from the ballot; or

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

(b) An election official may fulfill the requirement described in Subsection (4)(a) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.

(5) A state office candidate is not disqualified if:

(a) the state office candidate timely files the reports described in Subsections 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;

(b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in an amended report or the next scheduled report.

(6)

(a) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each state office candidate that is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that any state office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state office candidate of the violation or written complaint and direct the state office candidate to file a summary report correcting the problem.

(c)

(i) It is unlawful for a state office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection (6).

(ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a state office candidate who violates Subsection (6)(c)(i).