

REFERENCE TITLE: campaign finance; repeal; reenactment

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2417

Introduced by
Representatives Clark: Cardenas, Engel, Gabaldón, Gonzales, Salman,
Senator Otundo

AN ACT

REPEALING SECTION 16-901, ARIZONA REVISED STATUTES; REPEALING TITLE 16, CHAPTER 6, ARTICLES 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 AND 1.7, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 16-901, 16-902, 16-902.01, 16-902.02, 16-903, 16-904, 16-905, 16-906, 16-907, 16-911, 16-912, 16-912.01, 16-913, 16-913.01, 16-914, 16-914.01, 16-914.02, 16-915, 16-915.01, 16-916, 16-916.01, 16-916.02, 16-917, 16-918, 16-919, 16-920, 16-921, 16-922, 16-923, 16-924 AND 16-925; RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 A. Section 16-901, Arizona Revised Statutes, is repealed.

4 B. Title 16, chapter 6, articles 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and
5 1.7, Arizona Revised Statutes, are repealed.

6 Sec. 2. Title 16, chapter 6, article 1, Arizona Revised Statutes,
7 is amended by adding new sections 16-901, 16-902, 16-902.01, 16-902.02,
8 16-903, 16-904, 16-905, 16-906, 16-907, 16-911, 16-912, 16-912.01, 16-913,
9 16-913.01, 16-914, 16-914.01, 16-914.02, 16-915, 16-915.01, 16-916,
10 16-916.01, 16-916.02, 16-917, 16-918, 16-919, 16-920, 16-921, 16-922,
11 16-923, 16-924 and 16-925, to read:

12 16-901. Definitions

13 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

14 1. "AGENT" MEANS, WITH RESPECT TO ANY PERSON OTHER THAN A
15 CANDIDATE, ANY PERSON WHO HAS ORAL OR WRITTEN AUTHORITY, EITHER EXPRESS OR
16 IMPLIED, TO MAKE OR AUTHORIZE THE MAKING OF EXPENDITURES AS DEFINED IN
17 THIS SECTION ON BEHALF OF A CANDIDATE, ANY PERSON WHO HAS BEEN AUTHORIZED
18 BY THE TREASURER OF A POLITICAL COMMITTEE TO MAKE OR AUTHORIZE THE MAKING
19 OF EXPENDITURES OR A POLITICAL CONSULTANT FOR A CANDIDATE OR POLITICAL
20 COMMITTEE.

21 2. "CANDIDATE" MEANS AN INDIVIDUAL WHO RECEIVES OR GIVES CONSENT
22 FOR RECEIPT OF A CONTRIBUTION FOR HIS NOMINATION FOR OR ELECTION TO ANY
23 OFFICE IN THIS STATE OTHER THAN A FEDERAL OFFICE.

24 3. "CANDIDATE'S CAMPAIGN COMMITTEE" MEANS A POLITICAL COMMITTEE
25 DESIGNATED AND AUTHORIZED BY A CANDIDATE.

26 4. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT THE NAME, A PHOTOGRAPH
27 OR A DRAWING OF THE CANDIDATE APPEARS OR THE IDENTITY OF THE CANDIDATE IS
28 OTHERWISE APPARENT BY UNAMBIGUOUS REFERENCE.

29 5. "CONTRIBUTION" MEANS ANY GIFT, SUBSCRIPTION, LOAN, ADVANCE OR
30 DEPOSIT OF MONEY OR ANYTHING OF VALUE MADE FOR THE PURPOSE OF INFLUENCING
31 AN ELECTION INCLUDING SUPPORTING OR OPPOSING THE RECALL OF A PUBLIC
32 OFFICER OR SUPPORTING OR OPPOSING THE CIRCULATION OF A PETITION FOR A
33 BALLOT MEASURE, QUESTION OR PROPOSITION OR THE RECALL OF A PUBLIC OFFICER
34 AND:

35 (a) INCLUDES ALL OF THE FOLLOWING:

36 (i) A CONTRIBUTION MADE TO RETIRE CAMPAIGN DEBT.

37 (ii) MONEY OR THE FAIR MARKET VALUE OF ANYTHING DIRECTLY OR
38 INDIRECTLY GIVEN OR LOANED TO AN ELECTED OFFICIAL FOR THE PURPOSE OF
39 DEFRAYING THE EXPENSE OF COMMUNICATIONS WITH CONSTITUENTS, REGARDLESS OF
40 WHETHER THE ELECTED OFFICIAL HAS DECLARED HIS CANDIDACY.

41 (iii) THE ENTIRE AMOUNT PAID TO A POLITICAL COMMITTEE TO ATTEND A
42 FUND-RAISING OR OTHER POLITICAL EVENT AND THE ENTIRE AMOUNT PAID TO A
43 POLITICAL COMMITTEE AS THE PURCHASE PRICE FOR A FUND-RAISING MEAL OR ITEM,
44 EXCEPT THAT NO CONTRIBUTION RESULTS IF THE ACTUAL COST OF THE MEAL OR
45 FUND-RAISING ITEM, BASED ON THE AMOUNT CHARGED TO THE COMMITTEE BY THE

1 VENDOR, CONSTITUTES THE ENTIRE AMOUNT PAID BY THE PURCHASER FOR THE MEAL
2 OR ITEM, THE MEAL OR ITEM IS FOR THE PURCHASER'S PERSONAL USE AND NOT FOR
3 RESALE AND THE ACTUAL COST IS THE ENTIRE AMOUNT PAID BY THE PURCHASER IN
4 CONNECTION WITH THE EVENT. THIS EXCEPTION DOES NOT APPLY TO AUCTION
5 ITEMS.

6 (iv) UNLESS SPECIFICALLY EXEMPTED, THE PROVISION OF GOODS OR
7 SERVICES WITHOUT CHARGE OR AT A CHARGE THAT IS LESS THAN THE USUAL AND
8 NORMAL CHARGE FOR SUCH GOODS AND SERVICES. THE ACQUISITION OR USE OF
9 CAMPAIGN ASSETS BY A COMMITTEE THAT ARE PAID FOR WITH THE CANDIDATE'S
10 PERSONAL MONIES, INCLUDING CAMPAIGN SIGNS AND OTHER SIMILAR PROMOTIONAL
11 MATERIALS, IS A CONTRIBUTION AND IS REPORTABLE BY THE CANDIDATE'S CAMPAIGN
12 COMMITTEE AS A CONTRIBUTION TO THE CAMPAIGN.

13 (b) DOES NOT INCLUDE ANY OF THE FOLLOWING:

14 (i) THE VALUE OF SERVICES PROVIDED WITHOUT COMPENSATION BY ANY
15 INDIVIDUAL WHO VOLUNTEERS ON BEHALF OF A CANDIDATE, A CANDIDATE'S CAMPAIGN
16 COMMITTEE OR ANY OTHER POLITICAL COMMITTEE.

17 (ii) MONEY OR THE VALUE OF ANYTHING DIRECTLY OR INDIRECTLY PROVIDED
18 TO DEFRAY THE EXPENSE OF AN ELECTED OFFICIAL MEETING WITH CONSTITUENTS IF
19 THE ELECTED OFFICIAL IS ENGAGED IN THE PERFORMANCE OF THE DUTIES OF HIS
20 OFFICE OR PROVIDED BY THE STATE OR A POLITICAL SUBDIVISION TO AN ELECTED
21 OFFICIAL FOR COMMUNICATION WITH CONSTITUENTS IF THE ELECTED OFFICIAL IS
22 ENGAGED IN THE PERFORMANCE OF THE DUTIES OF HIS OFFICE.

23 (iii) THE USE OF REAL OR PERSONAL PROPERTY, INCLUDING A CHURCH OR
24 COMMUNITY ROOM USED ON A REGULAR BASIS BY MEMBERS OF A COMMUNITY FOR
25 NONCOMMERCIAL PURPOSES, THAT IS OBTAINED BY AN INDIVIDUAL IN THE COURSE OF
26 VOLUNTEERING PERSONAL SERVICES TO ANY CANDIDATE, CANDIDATE'S COMMITTEE OR
27 POLITICAL PARTY, AND THE COST OF INVITATIONS, FOOD AND BEVERAGES
28 VOLUNTARILY PROVIDED BY AN INDIVIDUAL TO ANY CANDIDATE, CANDIDATE'S
29 CAMPAIGN COMMITTEE OR POLITICAL PARTY IN RENDERING VOLUNTARY PERSONAL
30 SERVICES ON THE INDIVIDUAL'S RESIDENTIAL PREMISES OR IN THE CHURCH OR
31 COMMUNITY ROOM FOR CANDIDATE-RELATED OR POLITICAL PARTY-RELATED
32 ACTIVITIES, TO THE EXTENT THAT THE CUMULATIVE VALUE OF THE INVITATIONS,
33 FOOD AND BEVERAGES PROVIDED BY THE INDIVIDUAL ON BEHALF OF ANY SINGLE
34 CANDIDATE DOES NOT EXCEED ONE HUNDRED DOLLARS WITH RESPECT TO ANY SINGLE
35 ELECTION.

36 (iv) ANY UNREIMBURSED PAYMENT FOR PERSONAL TRAVEL EXPENSES MADE BY
37 AN INDIVIDUAL WHO ON HIS OWN BEHALF VOLUNTEERS HIS PERSONAL SERVICES TO A
38 CANDIDATE.

39 (v) THE PAYMENT BY A POLITICAL PARTY FOR PARTY OPERATING EXPENSES,
40 PARTY STAFF AND PERSONNEL, PARTY NEWSLETTERS AND REPORTS, VOTER
41 REGISTRATION AND EFFORTS TO INCREASE VOTER TURNOUT, PARTY ORGANIZATION
42 BUILDING AND MAINTENANCE AND PRINTING AND POSTAGE EXPENSES FOR SLATE
43 CARDS, SAMPLE BALLOTS, OTHER WRITTEN MATERIALS THAT SUBSTANTIALLY PROMOTE
44 THREE OR MORE NOMINEES OF THE PARTY FOR PUBLIC OFFICE AND OTHER ELECTION
45 ACTIVITIES NOT RELATED TO A SPECIFIC CANDIDATE, EXCEPT THAT THIS ITEM DOES

1 NOT APPLY TO COSTS INCURRED WITH RESPECT TO A DISPLAY OF THE LISTING OF
2 CANDIDATES MADE ON TELECOMMUNICATIONS SYSTEMS OR IN NEWSPAPERS, MAGAZINES
3 OR SIMILAR TYPES OF GENERAL CIRCULATION ADVERTISING.

4 (vi) INDEPENDENT EXPENDITURES.

5 (vii) MONIES LOANED BY A STATE BANK, A FEDERALLY CHARTERED
6 DEPOSITORY INSTITUTION OR A DEPOSITORY INSTITUTION THE DEPOSITS OR
7 ACCOUNTS OF WHICH ARE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION
8 OR THE NATIONAL CREDIT UNION ADMINISTRATION, OTHER THAN AN OVERDRAFT MADE
9 WITH RESPECT TO A CHECKING OR SAVINGS ACCOUNT, THAT IS MADE IN ACCORDANCE
10 WITH APPLICABLE LAW AND IN THE ORDINARY COURSE OF BUSINESS. IN ORDER FOR
11 THIS EXEMPTION TO APPLY, THIS LOAN SHALL BE DEEMED A LOAN BY EACH ENDORSER
12 OR GUARANTOR, IN THAT PROPORTION OF THE UNPAID BALANCE THAT EACH ENDORSER
13 OR GUARANTOR BEARS TO THE TOTAL NUMBER OF ENDORSERS OR GUARANTORS, THE
14 LOAN SHALL BE MADE ON A BASIS THAT ASSURES REPAYMENT, EVIDENCED BY A
15 WRITTEN INSTRUMENT, SHALL BE SUBJECT TO A DUE DATE OR AMORTIZATION
16 SCHEDULE AND SHALL BEAR THE USUAL AND CUSTOMARY INTEREST RATE OF THE
17 LENDING INSTITUTION.

18 (viii) A GIFT, SUBSCRIPTION, LOAN, ADVANCE OR DEPOSIT OF MONEY OR
19 ANYTHING OF VALUE TO A NATIONAL OR A STATE COMMITTEE OF A POLITICAL PARTY
20 SPECIFICALLY DESIGNATED TO DEFRAY ANY COST FOR THE CONSTRUCTION OR
21 PURCHASE OF AN OFFICE FACILITY NOT ACQUIRED FOR THE PURPOSE OF INFLUENCING
22 THE ELECTION OF A CANDIDATE IN ANY PARTICULAR ELECTION.

23 (ix) LEGAL OR ACCOUNTING SERVICES RENDERED TO OR ON BEHALF OF A
24 POLITICAL COMMITTEE OR A CANDIDATE, IF THE ONLY PERSON PAYING FOR THE
25 SERVICES IS THE REGULAR EMPLOYER OF THE INDIVIDUAL RENDERING THE SERVICES
26 AND IF THE SERVICES ARE SOLELY FOR THE PURPOSE OF COMPLIANCE WITH THIS
27 TITLE.

28 (x) THE PAYMENT BY A POLITICAL PARTY OF THE COSTS OF CAMPAIGN
29 MATERIALS, INCLUDING PINS, BUMPER STICKERS, HANDBILLS, BROCHURES, POSTERS,
30 PARTY TABLOIDS AND YARD SIGNS, USED BY THE PARTY IN CONNECTION WITH
31 VOLUNTEER ACTIVITIES ON BEHALF OF ANY NOMINEE OF THE PARTY OR THE PAYMENT
32 BY A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY OF THE COSTS OF VOTER
33 REGISTRATION AND GET-OUT-THE-VOTE ACTIVITIES CONDUCTED BY THE COMMITTEE IF
34 THE PAYMENTS ARE NOT FOR THE COSTS OF CAMPAIGN MATERIALS OR ACTIVITIES
35 USED IN CONNECTION WITH ANY TELECOMMUNICATION, NEWSPAPER, MAGAZINE,
36 BILLBOARD, DIRECT MAIL OR SIMILAR TYPE OF GENERAL PUBLIC COMMUNICATION OR
37 POLITICAL ADVERTISING.

38 (xi) TRANSFERS BETWEEN POLITICAL COMMITTEES TO DISTRIBUTE MONIES
39 RAISED THROUGH A JOINT FUND-RAISING EFFORT IN THE SAME PROPORTION TO EACH
40 COMMITTEE'S SHARE OF THE FUND-RAISING EXPENSES AND PAYMENTS FROM ONE
41 POLITICAL COMMITTEE TO ANOTHER IN REIMBURSEMENT OF A COMMITTEE'S
42 PROPORTIONATE SHARE OF ITS EXPENSES IN CONNECTION WITH A JOINT
43 FUND-RAISING EFFORT.

44 (xii) AN EXTENSION OF CREDIT FOR GOODS AND SERVICES MADE IN THE
45 ORDINARY COURSE OF THE CREDITOR'S BUSINESS IF THE TERMS ARE SUBSTANTIALLY

1 SIMILAR TO EXTENSIONS OF CREDIT TO NONPOLITICAL DEBTORS THAT ARE OF
2 SIMILAR RISK AND SIZE OF OBLIGATION AND IF THE CREDITOR MAKES A
3 COMMERCIALY REASONABLE ATTEMPT TO COLLECT THE DEBT, EXCEPT THAT ANY
4 EXTENSION OF CREDIT UNDER THIS ITEM MADE FOR THE PURPOSE OF INFLUENCING AN
5 ELECTION THAT REMAINS UNSATISFIED BY THE CANDIDATE AFTER SIX MONTHS,
6 NOTWITHSTANDING GOOD FAITH COLLECTION EFFORTS BY THE CREDITOR, SHALL BE
7 DEEMED RECEIPT OF A CONTRIBUTION BY THE CANDIDATE BUT NOT A CONTRIBUTION
8 BY THE CREDITOR.

9 (xiii) INTEREST OR DIVIDENDS EARNED BY A POLITICAL COMMITTEE ON ANY
10 BANK ACCOUNTS, DEPOSITS OR OTHER INVESTMENTS OF THE POLITICAL COMMITTEE.

11 6. "EARMARKED" MEANS A DESIGNATION, INSTRUCTION OR ENCUMBRANCE THAT
12 RESULTS IN ALL OR ANY PART OF A CONTRIBUTION OR EXPENDITURE BEING MADE TO,
13 OR EXPENDED ON BEHALF OF, A CLEARLY IDENTIFIED CANDIDATE OR A CANDIDATE'S
14 CAMPAIGN COMMITTEE.

15 7. "ELECTION" MEANS ANY ELECTION FOR ANY INITIATIVE, REFERENDUM OR
16 OTHER BALLOT MEASURE, QUESTION OR PROPOSITION OR A PRIMARY, GENERAL,
17 RECALL, SPECIAL OR RUNOFF ELECTION FOR ANY OFFICE IN THIS STATE OTHER THAN
18 THE OFFICE OF PRECINCT COMMITTEEMAN AND OTHER THAN A FEDERAL OFFICE. FOR
19 THE PURPOSES OF SECTIONS 16-903 AND 16-905, THE GENERAL ELECTION INCLUDES
20 THE PRIMARY ELECTION.

21 8. "ELECTION CYCLE" MEANS THE PERIOD BEGINNING TWENTY-ONE DAYS
22 AFTER A GENERAL ELECTION AND ENDING TWENTY DAYS AFTER THE NEXT SUCCESSIVE
23 GENERAL ELECTION FOR A PARTICULAR ELECTED OFFICE FOR THE PURPOSES OF
24 SECTIONS 16-903 AND 16-905.

25 9. "EXPENDITURES" INCLUDES ANY PURCHASE, PAYMENT, DISTRIBUTION,
26 LOAN, ADVANCE, DEPOSIT OR GIFT OF MONEY OR ANYTHING OF VALUE MADE BY A
27 PERSON FOR THE PURPOSE OF INFLUENCING AN ELECTION IN THIS STATE INCLUDING
28 SUPPORTING OR OPPOSING THE RECALL OF A PUBLIC OFFICER OR SUPPORTING OR
29 OPPOSING THE CIRCULATION OF A PETITION FOR A BALLOT MEASURE, QUESTION OR
30 PROPOSITION OR THE RECALL OF A PUBLIC OFFICER AND A CONTRACT, PROMISE OR
31 AGREEMENT TO MAKE AN EXPENDITURE RESULTING IN AN EXTENSION OF CREDIT AND
32 THE VALUE OF ANY IN-KIND CONTRIBUTION RECEIVED. EXPENDITURE DOES NOT
33 INCLUDE ANY OF THE FOLLOWING:

34 (a) A NEWS STORY, COMMENTARY OR EDITORIAL DISTRIBUTED THROUGH THE
35 FACILITIES OF ANY TELECOMMUNICATIONS SYSTEM, NEWSPAPER, MAGAZINE OR OTHER
36 PERIODICAL PUBLICATION, UNLESS THE FACILITIES ARE OWNED OR CONTROLLED BY A
37 POLITICAL COMMITTEE, POLITICAL PARTY OR CANDIDATE.

38 (b) NONPARTISAN ACTIVITY DESIGNED TO ENCOURAGE INDIVIDUALS TO VOTE
39 OR TO REGISTER TO VOTE.

40 (c) THE PAYMENT BY A POLITICAL PARTY OF THE COSTS OF PREPARATION,
41 DISPLAY, MAILING OR OTHER DISTRIBUTION INCURRED BY THE PARTY WITH RESPECT
42 TO ANY PRINTED SLATE CARD, SAMPLE BALLOT OR OTHER PRINTED LISTING OF THREE
43 OR MORE CANDIDATES FOR ANY PUBLIC OFFICE FOR WHICH AN ELECTION IS HELD,
44 EXCEPT THAT THIS SUBDIVISION DOES NOT APPLY TO COSTS INCURRED BY THE PARTY
45 WITH RESPECT TO A DISPLAY OF ANY LISTING OF CANDIDATES MADE ON ANY

1 TELECOMMUNICATIONS SYSTEM OR IN NEWSPAPERS, MAGAZINES OR SIMILAR TYPES OF
2 GENERAL PUBLIC POLITICAL ADVERTISING.

3 (d) THE PAYMENT BY A POLITICAL PARTY OF THE COSTS OF CAMPAIGN
4 MATERIALS, INCLUDING PINS, BUMPER STICKERS, HANDBILLS, BROCHURES, POSTERS,
5 PARTY TABLOIDS AND YARD SIGNS, USED BY THE PARTY IN CONNECTION WITH
6 VOLUNTEER ACTIVITIES ON BEHALF OF ANY NOMINEE OF THE PARTY OR THE PAYMENT
7 BY A STATE OR LOCAL COMMITTEE OF A POLITICAL PARTY OF THE COSTS OF VOTER
8 REGISTRATION AND GET-OUT-THE-VOTE ACTIVITIES CONDUCTED BY THE COMMITTEE IF
9 THE PAYMENTS ARE NOT FOR THE COSTS OF CAMPAIGN MATERIALS OR ACTIVITIES
10 USED IN CONNECTION WITH ANY TELECOMMUNICATIONS SYSTEM, NEWSPAPER,
11 MAGAZINE, BILLBOARD, DIRECT MAIL OR SIMILAR TYPE OF GENERAL PUBLIC
12 COMMUNICATION OR POLITICAL ADVERTISING.

13 (e) ANY DEPOSIT OR OTHER PAYMENT FILED WITH THE SECRETARY OF STATE
14 OR ANY OTHER SIMILAR OFFICER TO PAY ANY PORTION OF THE COST OF PRINTING AN
15 ARGUMENT IN A PUBLICITY PAMPHLET ADVOCATING OR OPPOSING A BALLOT MEASURE.

16 10. "EXPLORATORY COMMITTEE" MEANS A POLITICAL COMMITTEE THAT IS
17 FORMED FOR THE PURPOSE OF DETERMINING WHETHER AN INDIVIDUAL WILL BECOME A
18 CANDIDATE AND THAT RECEIVES CONTRIBUTIONS OR MAKES EXPENDITURES OF MORE
19 THAN FIVE HUNDRED DOLLARS IN CONNECTION WITH THAT PURPOSE.

20 11. "FAMILY CONTRIBUTION" MEANS ANY CONTRIBUTION THAT IS PROVIDED
21 TO A CANDIDATE'S CAMPAIGN COMMITTEE BY A PARENT, GRANDPARENT, SPOUSE,
22 CHILD OR SIBLING OF THE CANDIDATE OR A PARENT OR SPOUSE OF ANY OF THOSE
23 PERSONS.

24 12. "FILING OFFICER" MEANS THE OFFICE THAT IS DESIGNATED BY SECTION
25 16-916 TO CONDUCT THE DUTIES PRESCRIBED BY THIS CHAPTER.

26 13. "IDENTIFICATION" MEANS:

27 (a) FOR AN INDIVIDUAL, HIS NAME AND MAILING ADDRESS, HIS OCCUPATION
28 AND THE NAME OF HIS EMPLOYER.

29 (b) FOR ANY OTHER PERSON, INCLUDING A POLITICAL COMMITTEE, THE FULL
30 NAME AND MAILING ADDRESS OF THE PERSON. FOR A POLITICAL COMMITTEE,
31 IDENTIFICATION INCLUDES THE IDENTIFICATION NUMBER ISSUED ON THE FILING OF
32 A STATEMENT OF ORGANIZATION PURSUANT TO SECTION 16-902.01.

33 14. "INCOMPLETE CONTRIBUTION" MEANS ANY CONTRIBUTION RECEIVED BY A
34 POLITICAL COMMITTEE FOR WHICH THE CONTRIBUTOR'S MAILING ADDRESS,
35 OCCUPATION, EMPLOYER OR IDENTIFICATION NUMBER HAS NOT BEEN OBTAINED AND IS
36 NOT IN THE POSSESSION OF THE POLITICAL COMMITTEE.

37 15. "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE BY A PERSON OR
38 POLITICAL COMMITTEE, OTHER THAN A CANDIDATE'S CAMPAIGN COMMITTEE, THAT
39 EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED
40 CANDIDATE, THAT IS MADE WITHOUT COOPERATION OR CONSULTATION WITH ANY
41 CANDIDATE OR COMMITTEE OR AGENT OF THE CANDIDATE AND THAT IS NOT MADE IN
42 CONCERT WITH OR AT THE REQUEST OR SUGGESTION OF A CANDIDATE, OR ANY
43 COMMITTEE OR AGENT OF THE CANDIDATE. INDEPENDENT EXPENDITURE INCLUDES AN
44 EXPENDITURE THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 16-917, WHICH
45 REQUIRES A COPY OF CAMPAIGN LITERATURE OR ADVERTISEMENT TO BE SENT TO A

1 CANDIDATE NAMED OR OTHERWISE REFERRED TO IN THE LITERATURE OR
2 ADVERTISEMENT.

3 16. "IN-KIND CONTRIBUTION" MEANS A CONTRIBUTION OF GOODS OR
4 SERVICES OR ANYTHING OF VALUE AND NOT A MONETARY CONTRIBUTION. THE USE BY
5 A CANDIDATE'S CAMPAIGN COMMITTEE OF A DISTINCTIVE TRADE NAME, TRADEMARK OR
6 TRADE DRESS ITEM, INCLUDING A LOGO, THAT IS OWNED BY A BUSINESS OR OTHER
7 ENTITY THAT IS OWNED BY THAT CANDIDATE OR IN WHICH THE CANDIDATE HAS A
8 CONTROLLING INTEREST IS DEEMED TO BE AN IN-KIND CONTRIBUTION TO THE
9 CANDIDATE'S CAMPAIGN COMMITTEE AND SHALL BE REPORTED AS OTHERWISE
10 PRESCRIBED BY LAW.

11 17. "ITEMIZED" MEANS THAT EACH CONTRIBUTION RECEIVED OR EXPENDITURE
12 MADE IS SET FORTH SEPARATELY.

13 18. "LITERATURE OR ADVERTISEMENT" MEANS INFORMATION OR MATERIALS
14 THAT ARE MAILED, DISTRIBUTED OR PLACED IN SOME MEDIUM OF COMMUNICATION FOR
15 THE PURPOSE OF INFLUENCING THE OUTCOME OF AN ELECTION.

16 19. "PERSONAL MONIES" MEANS ANY OF THE FOLLOWING:

17 (a) EXCEPT AS PRESCRIBED IN PARAGRAPH 16 OF THIS SECTION, ASSETS TO
18 WHICH THE CANDIDATE HAS A LEGAL RIGHT OF ACCESS OR CONTROL AT THE TIME HE
19 BECOMES A CANDIDATE AND WITH RESPECT TO WHICH THE CANDIDATE HAS EITHER
20 LEGAL TITLE OR AN EQUITABLE INTEREST.

21 (b) SALARY AND OTHER EARNED INCOME FROM BONA FIDE EMPLOYMENT OF THE
22 CANDIDATE, DIVIDENDS AND PROCEEDS FROM THE SALE OF THE STOCKS OR
23 INVESTMENTS OF THE CANDIDATE, BEQUESTS TO THE CANDIDATE, INCOME TO THE
24 CANDIDATE FROM TRUSTS ESTABLISHED BEFORE CANDIDACY, INCOME TO THE
25 CANDIDATE FROM TRUSTS ESTABLISHED BY BEQUEST AFTER CANDIDACY OF WHICH THE
26 CANDIDATE IS A BENEFICIARY, GIFTS TO THE CANDIDATE OF A PERSONAL NATURE
27 THAT HAVE BEEN CUSTOMARILY RECEIVED BEFORE THE CANDIDACY AND PROCEEDS
28 RECEIVED BY THE CANDIDATE FROM LOTTERIES AND OTHER LEGAL GAMES OF CHANCE.

29 (c) THE PROCEEDS OF LOANS OBTAINED BY THE CANDIDATE THAT ARE NOT
30 CONTRIBUTIONS AND FOR WHICH THE COLLATERAL OR SECURITY IS COVERED BY
31 SUBDIVISION (a) OR (b) OF THIS PARAGRAPH.

32 (d) FAMILY CONTRIBUTIONS.

33 20. "POLITICAL COMMITTEE" MEANS ANY OF THE FOLLOWING:

34 (a) A CANDIDATE OR A CANDIDATE'S CAMPAIGN COMMITTEE.

35 (b) A SEPARATE, SEGREGATED FUND ESTABLISHED PURSUANT TO SECTION
36 16-920, SUBSECTION A, PARAGRAPH 3.

37 (c) AN ASSOCIATION OR COMBINATION OF PERSONS THAT CIRCULATES
38 PETITIONS IN SUPPORT OF THE QUALIFICATION OF A BALLOT MEASURE, QUESTION OR
39 PROPOSITION.

40 (d) AN ASSOCIATION OR COMBINATION OF PERSONS THAT CIRCULATES A
41 PETITION TO RECALL A PUBLIC OFFICER.

42 (e) A POLITICAL PARTY.

43 (f) AN ASSOCIATION OR COMBINATION OF PERSONS THAT MEETS BOTH OF THE
44 FOLLOWING REQUIREMENTS:

1 (i) IS ORGANIZED, CONDUCTED OR COMBINED FOR THE PRIMARY PURPOSE OF
2 INFLUENCING THE RESULT OF ANY ELECTION IN THIS STATE OR IN ANY COUNTY,
3 CITY, TOWN OR OTHER POLITICAL SUBDIVISION IN THIS STATE, INCLUDING A
4 JUDICIAL RETENTION ELECTION.

5 (ii) KNOWINGLY RECEIVES CONTRIBUTIONS OR MAKES EXPENDITURES OF MORE
6 THAN FIVE HUNDRED DOLLARS IN CONNECTION WITH ANY ELECTION DURING A
7 CALENDAR YEAR, INCLUDING A JUDICIAL RETENTION ELECTION.

8 (g) A POLITICAL ORGANIZATION.

9 (h) AN EXPLORATORY COMMITTEE.

10 21. "POLITICAL ORGANIZATION" MEANS AN ORGANIZATION THAT IS FORMALLY
11 AFFILIATED WITH AND RECOGNIZED BY A POLITICAL PARTY INCLUDING A DISTRICT
12 COMMITTEE ORGANIZED PURSUANT TO SECTION 16-823.

13 22. "POLITICAL PARTY" MEANS THE STATE COMMITTEE AS PRESCRIBED BY
14 SECTION 16-825 OR THE COUNTY COMMITTEE AS PRESCRIBED BY SECTION 16-821 OF
15 AN ORGANIZATION THAT MEETS THE REQUIREMENTS FOR RECOGNITION AS A POLITICAL
16 PARTY PURSUANT TO SECTION 16-801, 16-802 OR 16-804.

17 23. "SPONSORING ORGANIZATION" MEANS ANY ORGANIZATION THAT
18 ESTABLISHES, ADMINISTERS OR CONTRIBUTES FINANCIAL SUPPORT TO THE
19 ADMINISTRATION OF, OR THAT HAS COMMON OR OVERLAPPING MEMBERSHIP OR
20 OFFICERS WITH, A POLITICAL COMMITTEE OTHER THAN A CANDIDATE'S CAMPAIGN
21 COMMITTEE.

22 24. "STANDING POLITICAL COMMITTEE" MEANS A POLITICAL COMMITTEE THAT
23 SATISFIES ALL OF THE FOLLOWING:

24 (a) IS ACTIVE IN MORE THAN ONE REPORTING JURISDICTION IN THIS STATE
25 FOR MORE THAN ONE YEAR.

26 (b) FILES A STATEMENT OF ORGANIZATION AS PRESCRIBED BY SECTION
27 16-902.01, SUBSECTION F.

28 (c) IS ANY OF THE FOLLOWING AS DEFINED BY PARAGRAPH 20 OF THIS
29 SECTION:

30 (i) A SEPARATE, SEGREGATED FUND.

31 (ii) A POLITICAL PARTY.

32 (iii) A POLITICAL COMMITTEE AS PRESCRIBED BY PARAGRAPH 20,
33 SUBDIVISION (f) OF THIS SECTION AND THAT IS ORGANIZED FOR THE PURPOSE OF
34 MAKING INDEPENDENT EXPENDITURES.

35 (iv) A POLITICAL ORGANIZATION.

36 25. "STATEWIDE OFFICE" MEANS THE OFFICE OF GOVERNOR, SECRETARY OF
37 STATE, STATE TREASURER, ATTORNEY GENERAL, SUPERINTENDENT OF PUBLIC
38 INSTRUCTION, CORPORATION COMMISSIONER OR MINE INSPECTOR.

39 26. "SURPLUS MONIES" MEANS THOSE MONIES OF A POLITICAL COMMITTEE
40 REMAINING AFTER ALL OF THE COMMITTEE'S EXPENDITURES HAVE BEEN MADE AND ITS
41 DEBTS HAVE BEEN EXTINGUISHED.

42 16-902. Organization of political committees

43 A. EACH POLITICAL COMMITTEE SHALL HAVE A CHAIRMAN AND TREASURER.
44 THE POSITION OF CHAIRMAN AND TREASURER OF A SINGLE POLITICAL COMMITTEE MAY

1 NOT BE HELD BY THE SAME INDIVIDUAL, EXCEPT THAT A CANDIDATE MAY BE
2 CHAIRMAN AND TREASURER OF THE CANDIDATE'S OWN CAMPAIGN COMMITTEE.

3 B. THE NAME OF EACH POLITICAL COMMITTEE SHALL INCLUDE THE NAME OF
4 ANY SPONSORING ORGANIZATION, AND, IN THE CASE OF A CANDIDATE'S CAMPAIGN
5 COMMITTEE, THE COMMITTEE'S NAME SHALL INCLUDE THE NAME OF THE CANDIDATE,
6 OR, IF FOR AN EXPLORATORY COMMITTEE, THE INDIVIDUAL, WHO DESIGNATED THE
7 COMMITTEE PURSUANT TO SECTION 16-903.

8 C. A POLITICAL COMMITTEE THAT ACCEPTS CONTRIBUTIONS OR MAKES
9 EXPENDITURES SHALL DEPOSIT CONTRIBUTIONS AND MAKE EXPENDITURES FROM ONE OR
10 MORE STATE BANKS, FEDERALLY CHARTERED DEPOSITORY INSTITUTIONS OR
11 DEPOSITORY INSTITUTIONS THE DEPOSITS OR ACCOUNTS OF WHICH ARE INSURED BY
12 THE FEDERAL DEPOSIT INSURANCE CORPORATION OR THE NATIONAL CREDIT UNION
13 ADMINISTRATION AS ITS CAMPAIGN DEPOSITORY OR DEPOSITORYES. THE POLITICAL
14 COMMITTEE SHALL NOTIFY THE FILING OFFICER OF THE NAME OF THE FINANCIAL
15 INSTITUTION AT THE TIME OF FILING THE STATEMENT OF ORGANIZATION PURSUANT
16 TO SECTION 16-902.01 OR 16-903. ON MEETING THE DEFINITION OF POLITICAL
17 COMMITTEE PURSUANT TO SECTION 16-901, ALL WITHDRAWALS OR DISBURSEMENTS
18 FROM THESE ACCOUNTS REQUIRE THE SIGNATURE OF THE TREASURER OR A DESIGNATED
19 AGENT OF THE POLITICAL COMMITTEE.

20 16-902.01. Registration of political committees; contents;
21 amendment

22 A. EXCEPT FOR A POLITICAL COMMITTEE AS DEFINED IN SECTION 16-901,
23 PARAGRAPH 20, SUBDIVISION (f), EACH POLITICAL COMMITTEE THAT INTENDS TO
24 ACCEPT CONTRIBUTIONS OR MAKE EXPENDITURES OF MORE THAN FIVE HUNDRED
25 DOLLARS SHALL FILE A STATEMENT OF ORGANIZATION WITH THE FILING OFFICER IN
26 THE FORMAT PRESCRIBED BY THE FILING OFFICER BEFORE ACCEPTING
27 CONTRIBUTIONS, MAKING EXPENDITURES, DISTRIBUTING ANY CAMPAIGN LITERATURE
28 OR CIRCULATING PETITIONS. A POLITICAL COMMITTEE AS DEFINED IN SECTION
29 16-901, PARAGRAPH 20, SUBDIVISION (f) SHALL FILE A STATEMENT OF
30 ORGANIZATION WITH THE FILING OFFICER IN THE FORMAT PRESCRIBED BY THE
31 FILING OFFICER WITHIN FIVE BUSINESS DAYS AFTER MEETING THE DEFINITION OF
32 POLITICAL COMMITTEE.

33 B. EXCEPT FOR A POLITICAL COMMITTEE AS DEFINED IN SECTION 16-901,
34 PARAGRAPH 20, SUBDIVISION (f), EACH POLITICAL COMMITTEE THAT INTENDS TO
35 ACCEPT CONTRIBUTIONS OR MAKE EXPENDITURES OF FIVE HUNDRED DOLLARS OR LESS
36 SHALL FILE A SIGNED EXEMPTION STATEMENT IN A FORM PRESCRIBED BY THE FILING
37 OFFICER THAT STATES THAT INTENTION BEFORE MAKING ANY EXPENDITURES,
38 ACCEPTING ANY CONTRIBUTIONS, DISTRIBUTING ANY CAMPAIGN LITERATURE OR
39 CIRCULATING PETITIONS. IF A POLITICAL COMMITTEE THAT HAS FILED A FIVE
40 HUNDRED DOLLAR THRESHOLD EXEMPTION STATEMENT RECEIVES CONTRIBUTIONS OR
41 MAKES EXPENDITURES OF MORE THAN FIVE HUNDRED DOLLARS, THAT POLITICAL
42 COMMITTEE SHALL FILE A STATEMENT OF ORGANIZATION WITH THE FILING OFFICER
43 IN THE FORMAT PRESCRIBED BY THE FILING OFFICER WITHIN FIVE BUSINESS DAYS
44 AFTER EXCEEDING THE FIVE HUNDRED DOLLAR LIMIT.

1 C. THE STATEMENT OF ORGANIZATION OF A POLITICAL COMMITTEE SHALL
2 INCLUDE ALL OF THE FOLLOWING:

3 1. THE NAME, ADDRESS AND TYPE OF COMMITTEE.
4 2. THE NAME, ADDRESS, RELATIONSHIP AND TYPE OF ANY SPONSORING
5 ORGANIZATION.

6 3. THE NAMES, ADDRESSES, TELEPHONE NUMBERS, OCCUPATIONS AND
7 EMPLOYERS OF THE CHAIRMAN AND TREASURER OF THE COMMITTEE.

8 4. IN THE CASE OF A CANDIDATE'S CAMPAIGN COMMITTEE, THE NAME,
9 ADDRESS, OFFICE SOUGHT AND PARTY AFFILIATION OF THE CANDIDATE.

10 5. A LISTING OF ALL BANKS, SAFETY DEPOSIT BOXES OR OTHER
11 DEPOSITORY USED BY THE COMMITTEE.

12 6. A STATEMENT THAT THE CHAIRMAN AND TREASURER HAVE READ ALL OF THE
13 APPLICABLE LAWS RELATING TO CAMPAIGN FINANCE AND REPORTING.

14 D. EXCEPT AS PRESCRIBED BY SUBSECTION F OF THIS SECTION, ON THE
15 FILING OF A STATEMENT OF ORGANIZATION, A POLITICAL COMMITTEE SHALL BE
16 ISSUED AN IDENTIFICATION NUMBER IN THE FORMAT PRESCRIBED BY THE FILING
17 OFFICER.

18 E. THE POLITICAL COMMITTEE SHALL FILE AN AMENDED STATEMENT OF
19 ORGANIZATION REPORTING ANY CHANGE IN THE INFORMATION PRESCRIBED IN
20 SUBSECTIONS C AND G OF THIS SECTION WITHIN FIVE BUSINESS DAYS AFTER THE
21 CHANGE.

22 F. A STANDING POLITICAL COMMITTEE SHALL FILE A STATEMENT OF
23 ORGANIZATION WITH THE SECRETARY OF STATE AND IN EACH JURISDICTION IN WHICH
24 THE COMMITTEE IS ACTIVE, AND ONLY THE SECRETARY OF STATE SHALL ISSUE AN
25 IDENTIFICATION NUMBER FOR THE COMMITTEE. THE STATEMENT OF ORGANIZATION
26 SHALL INCLUDE A STATEMENT WITH THE NOTARIZED SIGNATURE OF THE CHAIRMAN OR
27 TREASURER OF THE STANDING POLITICAL COMMITTEE THAT DECLARES THE
28 COMMITTEE'S STATUS AS A STANDING POLITICAL COMMITTEE. THE SECRETARY OF
29 STATE MAY CHARGE AN ANNUAL FEE FOR THE FILING.

30 G. FOR A POLITICAL COMMITTEE THAT MAKES EXPENDITURES IN AN ATTEMPT
31 TO INFLUENCE THE RESULTS OF A BALLOT PROPOSITION ELECTION, THE STATEMENT
32 OF ORGANIZATION SHALL INCLUDE IN THE NAME OF THE POLITICAL COMMITTEE THE
33 OFFICIAL SERIAL NUMBER FOR THE PETITION, IF ASSIGNED, AND A STATEMENT AS
34 TO WHETHER THE POLITICAL COMMITTEE SUPPORTS OR OPPOSES THE PASSAGE OF THE
35 BALLOT MEASURE. ON COMPLETION OF THE DESIGNATION OF STATEWIDE BALLOT
36 PROPOSITIONS BY NUMBER AS PRESCRIBED IN SECTION 19-125, THE SECRETARY OF
37 STATE IS AUTHORIZED TO AND SHALL AMEND THE NAME OF THE POLITICAL COMMITTEE
38 BY ATTACHING TO THE STATEMENT OF ORGANIZATION THE BALLOT PROPOSITION
39 NUMBER AS A SUBSTITUTE FOR THE OFFICIAL SERIAL NUMBER IN THE NAME OF THE
40 POLITICAL COMMITTEE. THE SECRETARY OF STATE SHALL PROMPTLY NOTIFY THE
41 POLITICAL COMMITTEE OF THE AMENDED POLITICAL COMMITTEE NAME AND SHALL MAKE
42 THAT INFORMATION AVAILABLE TO THE PUBLIC.

1 16-902.02. Out-of-state political committees; registration;
2 initial reporting

3 A POLITICAL COMMITTEE THAT FILES A STATEMENT OF ORGANIZATION IN THIS
4 STATE AS PRESCRIBED BY SECTION 16-902.01, THAT IS REGISTERED IN ANOTHER
5 STATE OR PURSUANT TO FEDERAL LAW AND THAT INTENDS TO USE IN THIS STATE
6 MONIES RAISED BEFORE FILING ITS STATEMENT OF ORGANIZATION SHALL ALSO FILE
7 IN THE FORMAT PRESCRIBED BY THE FILING OFFICER COMPLETE COPIES OF ITS
8 PREVIOUS CAMPAIGN FINANCE OR OTHER SIMILAR REPORTS FILED IN THOSE OTHER
9 JURISDICTIONS THAT COVER ALL CONTRIBUTIONS OR RECEIPTS FOR THE PRECEDING
10 TWO YEARS.

11 16-903. Candidate's campaign committees; exploratory
12 committees; designation; candidate as agent; civil
13 penalty

14 A. EACH CANDIDATE WHO INTENDS TO RECEIVE CONTRIBUTIONS OR MAKE
15 EXPENDITURES OF MORE THAN FIVE HUNDRED DOLLARS IN CONNECTION WITH A
16 CAMPAIGN FOR OFFICE SHALL DESIGNATE IN THE FORMAT PRESCRIBED BY THE FILING
17 OFFICER A POLITICAL COMMITTEE FOR EACH ELECTION CYCLE TO SERVE AS THE
18 CANDIDATE'S CAMPAIGN COMMITTEE. THE CANDIDATE SHALL MAKE THE DESIGNATION
19 PURSUANT TO THIS SUBSECTION BY FILING A STATEMENT OF ORGANIZATION BEFORE
20 MAKING ANY EXPENDITURES, ACCEPTING ANY CONTRIBUTIONS, DISTRIBUTING ANY
21 CAMPAIGN LITERATURE OR CIRCULATING ANY PETITIONS. EACH CANDIDATE WHO
22 INTENDS TO RECEIVE CONTRIBUTIONS OR MAKE EXPENDITURES OF FIVE HUNDRED
23 DOLLARS OR LESS SHALL FILE A SIGNED EXEMPTION STATEMENT IN THE FORMAT
24 PRESCRIBED BY THE FILING OFFICER THAT STATES THAT INTENTION BEFORE MAKING
25 ANY EXPENDITURES, ACCEPTING ANY CONTRIBUTIONS, DISTRIBUTING ANY CAMPAIGN
26 LITERATURE OR CIRCULATING PETITIONS. IF A CANDIDATE WHO HAS FILED A FIVE
27 HUNDRED DOLLAR EXEMPTION STATEMENT RECEIVES CONTRIBUTIONS OR MAKES
28 EXPENDITURES OF MORE THAN FIVE HUNDRED DOLLARS, THAT CANDIDATE SHALL FILE
29 A STATEMENT OF ORGANIZATION WITH THE FILING OFFICER WITHIN FIVE BUSINESS
30 DAYS AFTER EXCEEDING THE FIVE HUNDRED DOLLAR LIMIT.

31 B. AN INDIVIDUAL WHO RECEIVES CONTRIBUTIONS OR MAKES EXPENDITURES
32 OF MORE THAN FIVE HUNDRED DOLLARS FOR THE PURPOSE OF DETERMINING WHETHER
33 THE INDIVIDUAL WILL BECOME A CANDIDATE FOR ELECTION TO AN OFFICE IN THIS
34 STATE SHALL DESIGNATE IN THE FORMAT PRESCRIBED BY THE FILING OFFICER A
35 POLITICAL COMMITTEE TO SERVE AS THE INDIVIDUAL'S EXPLORATORY COMMITTEE.
36 THE INDIVIDUAL SHALL MAKE THE DESIGNATION PURSUANT TO THIS SUBSECTION
37 BEFORE MAKING ANY EXPENDITURES, ACCEPTING ANY CONTRIBUTIONS, CIRCULATING
38 ANY PETITIONS OR DISTRIBUTING ANY CAMPAIGN LITERATURE.

39 C. AN INDIVIDUAL MAY HAVE ONLY ONE EXPLORATORY COMMITTEE IN
40 EXISTENCE AT ONE TIME. A CANDIDATE MAY HAVE ONLY ONE CAMPAIGN COMMITTEE
41 DESIGNATED FOR EACH ELECTION CYCLE, BUT A CANDIDATE MAY HAVE MORE THAN ONE
42 CAMPAIGN COMMITTEE SIMULTANEOUSLY IN EXISTENCE.

43 D. A POLITICAL COMMITTEE THAT SUPPORTS OR HAS SUPPORTED ANOTHER
44 CANDIDATE OR MORE THAN ONE CANDIDATE MAY NOT BE DESIGNATED AS A
45 CANDIDATE'S CAMPAIGN COMMITTEE.

1 E. ANY CANDIDATE WHO RECEIVES A CONTRIBUTION OR ANY LOAN FOR USE IN
2 CONNECTION WITH THE CAMPAIGN OF THAT CANDIDATE FOR ELECTION OR WHO MAKES A
3 DISBURSEMENT IN CONNECTION WITH THAT CAMPAIGN SHALL BE DEEMED AS HAVING
4 RECEIVED THE CONTRIBUTION OR LOAN OR AS HAVING MADE THE DISBURSEMENT AS AN
5 AGENT OF THE CANDIDATE'S CAMPAIGN COMMITTEE FOR PURPOSES OF THIS ARTICLE.

6 F. AN ELECTED OFFICIAL IS NOT DEEMED TO HAVE OFFERED HIMSELF FOR
7 NOMINATION OR ELECTION TO AN OFFICE WITHIN THE MEANING OF SECTION 38-296
8 SOLELY BY THE ELECTED OFFICIAL'S DESIGNATION OF A CANDIDATE CAMPAIGN
9 COMMITTEE.

10 G. AFTER DESIGNATING AN EXPLORATORY COMMITTEE, A CANDIDATE MAY
11 LAWFULLY COLLECT SIGNATURES ON NOMINATION PETITIONS AND RECEIVE
12 CONTRIBUTIONS.

13 H. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
14 IMPOSED AS PRESCRIBED IN SECTION 16-924 OF UP TO THREE TIMES THE AMOUNT OF
15 MONEY THAT HAS BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION OF THIS
16 SECTION OR UP TO THREE TIMES THE VALUE IN MONEY FOR AN EQUIVALENT OF MONEY
17 OR OTHER THINGS OF VALUE THAT HAVE BEEN RECEIVED, EXPENDED OR PROMISED IN
18 VIOLATION OF THIS SECTION.

19 16-904. Treasurer; duties; records; civil penalty

20 A. NO EXPENDITURE MAY BE MADE FOR OR ON BEHALF OF A POLITICAL
21 COMMITTEE WITHOUT THE AUTHORIZATION OF THE TREASURER OR THE TREASURER'S
22 DESIGNATED AGENT.

23 B. THE TREASURER SHALL MAINTAIN A RECORD OF ALL PETTY CASH
24 DISBURSEMENTS PURSUANT TO SUBSECTION E, PARAGRAPH 4 OF THIS SECTION.

25 C. ALL RECEIPTS RECEIVED BY A POLITICAL COMMITTEE SHALL BE
26 DEPOSITED IN AN ACCOUNT AS PRESCRIBED BY SECTION 16-902, SUBSECTION

27 C. ALL MONIES OF A POLITICAL COMMITTEE SHALL BE SEGREGATED FROM, AND MAY
28 NOT BE COMMINGLED WITH, THE MONIES OF ANY INDIVIDUAL OTHER THAN
29 CONTRIBUTIONS BY AN INDIVIDUAL.

30 D. A POLITICAL COMMITTEE SHALL EXERCISE ITS BEST EFFORTS TO OBTAIN
31 THE REQUIRED INFORMATION FOR ANY INCOMPLETE CONTRIBUTION RECEIVED THAT IS
32 REQUIRED TO BE ITEMIZED ON A CAMPAIGN FINANCE REPORT PURSUANT TO SECTION
33 16-915, SUBSECTION A, PARAGRAPH 3. A POLITICAL COMMITTEE WILL NOT BE
34 DEEMED TO HAVE EXERCISED BEST EFFORTS TO OBTAIN THE REQUIRED INFORMATION
35 UNLESS THE TREASURER OR THE TREASURER'S AGENT HAS MADE AT LEAST ONE EFFORT
36 AFTER THE RECEIPT OF THE CONTRIBUTION TO OBTAIN THE MISSING INFORMATION BY
37 A WRITTEN REQUEST SENT TO THE CONTRIBUTOR OR BY ORAL CONTACT WITH THE
38 CONTRIBUTOR DOCUMENTED IN WRITING AND SHALL COMPLY WITH THE FOLLOWING:

39 1. THE REQUEST MUST CLEARLY ASK FOR THE MISSING INFORMATION AND
40 INFORM THE CONTRIBUTOR THAT THE COMMITTEE IS REQUIRED BY LAW TO OBTAIN THE
41 MAILING ADDRESS, OCCUPATION AND EMPLOYER OF EACH INDIVIDUAL CONTRIBUTOR
42 AND THE MAILING ADDRESS AND IDENTIFICATION NUMBER OF EACH POLITICAL
43 COMMITTEE CONTRIBUTOR.

44 2. ANY INFORMATION REQUIRED FOR THE IDENTIFICATION OF A CONTRIBUTOR
45 RECEIVED BY THE POLITICAL COMMITTEE AFTER THE CONTRIBUTION HAS BEEN

1 DISCLOSED ON A CAMPAIGN FINANCE REPORT REQUIRED PURSUANT TO SECTION 16-913
2 SHALL BE REPORTED ON AN AMENDED REPORT.

3 E. THE TREASURER OF A POLITICAL COMMITTEE IS THE CUSTODIAN OF THE
4 COMMITTEE'S BOOKS AND ACCOUNTS AND SHALL KEEP AN ACCOUNT OF ALL OF THE
5 FOLLOWING:

6 1. ALL CONTRIBUTIONS OR OTHER MONIES RECEIVED BY OR ON BEHALF OF
7 THE POLITICAL COMMITTEE.

8 2. THE IDENTIFICATION OF ANY INDIVIDUAL OR POLITICAL COMMITTEE THAT
9 MAKES ANY CONTRIBUTION TOGETHER WITH THE DATE AND AMOUNT OF EACH
10 CONTRIBUTION AND THE DATE OF DEPOSIT INTO A DESIGNATED ACCOUNT.

11 3. CUMULATIVE TOTALS CONTRIBUTED BY EACH INDIVIDUAL OR POLITICAL
12 COMMITTEE.

13 4. THE NAME AND ADDRESS OF EVERY PERSON TO WHOM ANY EXPENDITURE IS
14 MADE, THE DATE, AMOUNT AND PURPOSE OR REASON FOR THE EXPENDITURE AND,
15 EXCEPT IN THE CASE OF AN EXPENDITURE BY A CANDIDATE'S CAMPAIGN COMMITTEE,
16 THE NAME OF THE CANDIDATE AND THE OFFICE SOUGHT BY THE CANDIDATE IF THE
17 EXPENDITURE WAS MADE ON BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

18 5. ALL PERIODIC OR OTHER STATEMENTS FOR EACH ACCOUNT PRESCRIBED BY
19 SECTION 16-902, SUBSECTION C.

20 F. FOR ANY POLITICAL COMMITTEE THAT HAS FILED A FIVE HUNDRED DOLLAR
21 THRESHOLD EXEMPTION STATEMENT PURSUANT TO SECTION 16-902.01, SUBSECTION B:

22 1. THE POLITICAL COMMITTEE AND TREASURER SHALL MAINTAIN A RECORD OF
23 ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE POLITICAL
24 COMMITTEE. IF THE POLITICAL COMMITTEE EXCEEDS THE FIVE HUNDRED DOLLAR
25 LIMIT, THE POLITICAL COMMITTEE SHALL AMEND ITS STATEMENT OF ORGANIZATION,
26 FILE A REPORT OF ITS CONTRIBUTIONS AND EXPENDITURES PURSUANT TO SECTION
27 16-913 AND COMPLY WITH ALL REPORTING REQUIREMENTS.

28 2. FOR A POLITICAL COMMITTEE THAT DOES NOT EXCEED ITS FIVE HUNDRED
29 DOLLAR THRESHOLD, THE POLITICAL COMMITTEE TERMINATES AT THE END OF THE
30 ELECTION CYCLE FOR WHICH IT WAS FORMED, SHALL FILE A TERMINATION STATEMENT
31 AS PRESCRIBED BY SECTION 16-914 AND SHALL DISPOSE OF ANY SURPLUS MONIES AS
32 OTHERWISE PROVIDED BY LAW.

33 3. A POLITICAL COMMITTEE THAT FAILS TO FILE ITS TERMINATION
34 STATEMENT PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION IS TERMINATED BY
35 OPERATION OF LAW NINETY DAYS AFTER THE END OF THE ELECTION CYCLE FOR WHICH
36 IT WAS FORMED AND SHALL PAY A CIVIL PENALTY OF ONE HUNDRED DOLLARS.

37 G. UNLESS SPECIFIED BY THE CONTRIBUTOR OR CONTRIBUTORS TO THE
38 CONTRARY, THE TREASURER SHALL RECORD A CONTRIBUTION MADE BY CHECK, MONEY
39 ORDER OR OTHER WRITTEN INSTRUMENT AS A CONTRIBUTION BY THE PERSON WHOSE
40 SIGNATURE OR NAME APPEARS ON THE BOTTOM OF THE INSTRUMENT OR WHO ENDORSES
41 THE INSTRUMENT BEFORE DELIVERY TO THE POLITICAL COMMITTEE. IF A
42 CONTRIBUTION IS MADE BY MORE THAN ONE PERSON IN A SINGLE WRITTEN
43 INSTRUMENT, THE TREASURER SHALL RECORD THE AMOUNT TO BE ATTRIBUTED TO EACH
44 CONTRIBUTOR AS SPECIFIED.

1 H. ALL CONTRIBUTIONS OTHER THAN IN-KIND CONTRIBUTIONS MUST BE MADE
2 BY A CHECK DRAWN ON THE ACCOUNT OF THE ACTUAL CONTRIBUTOR OR BY A MONEY
3 ORDER OR A CASHIER'S CHECK CONTAINING THE NAME OF THE ACTUAL CONTRIBUTOR
4 OR MUST BE EVIDENCED BY A WRITTEN RECEIPT WITH A COPY OF THE RECEIPT GIVEN
5 TO THE CONTRIBUTOR AND A COPY MAINTAINED IN THE CONTRIBUTION RECORDS OF
6 THE RECIPIENT.

7 I. THE TREASURER SHALL PRESERVE ALL RECORDS REQUIRED TO BE KEPT BY
8 THIS SECTION AND COPIES OF ALL FINANCE REPORTS REQUIRED TO BE FILED BY
9 THIS ARTICLE FOR THREE YEARS AFTER THE FILING OF THE FINANCE REPORT
10 COVERING THE RECEIPTS AND DISBURSEMENTS EVIDENCED BY THE RECORDS.

11 J. ON REQUEST OF THE ATTORNEY GENERAL, THE COUNTY, CITY OR TOWN
12 ATTORNEY OR THE FILING OFFICER, THE TREASURER SHALL PROVIDE ANY OF THE
13 RECORDS REQUIRED TO BE KEPT PURSUANT TO THIS SECTION.

14 K. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
15 IMPOSED AS PRESCRIBED IN SECTION 16-924 OF THREE TIMES THE AMOUNT OF MONEY
16 THAT HAS BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION OF THIS SECTION
17 OR THREE TIMES THE VALUE IN MONEY FOR AN EQUIVALENT OF MONEY OR OTHER
18 THINGS OF VALUE THAT HAS BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION
19 OF THIS SECTION.

20 16-905. Contribution limitations; civil penalty; complaint;
21 reductions

22 A. FOR AN ELECTION OTHER THAN FOR A STATEWIDE OFFICE, A CONTRIBUTOR
23 SHALL NOT GIVE AND AN EXPLORATORY COMMITTEE, A CANDIDATE OR A CANDIDATE'S
24 CAMPAIGN COMMITTEE SHALL NOT ACCEPT CONTRIBUTIONS OF MORE THAN:

25 1. FOR AN ELECTION FOR A LEGISLATIVE OFFICE, SIX THOUSAND TWO
26 HUNDRED FIFTY DOLLARS PER ELECTION CYCLE FROM AN INDIVIDUAL.

27 2. FOR AN ELECTION OTHER THAN FOR A LEGISLATIVE OFFICE, SIX
28 THOUSAND TWO HUNDRED FIFTY DOLLARS PER ELECTION CYCLE FROM AN INDIVIDUAL.

29 3. FOR AN ELECTION FOR A LEGISLATIVE OFFICE, SIX THOUSAND TWO
30 HUNDRED FIFTY DOLLARS PER ELECTION CYCLE FROM A SINGLE POLITICAL
31 COMMITTEE, EXCLUDING A POLITICAL PARTY, NOT CERTIFIED UNDER SUBSECTION G
32 OF THIS SECTION TO MAKE CONTRIBUTIONS AT THE HIGHER LIMITS PRESCRIBED BY
33 PARAGRAPH 5 OF THIS SUBSECTION AND SUBSECTION B, PARAGRAPH 3 OF THIS
34 SECTION.

35 4. FOR AN ELECTION OTHER THAN FOR A LEGISLATIVE OFFICE, SIX
36 THOUSAND TWO HUNDRED FIFTY DOLLARS PER ELECTION CYCLE FROM A SINGLE
37 POLITICAL COMMITTEE, EXCLUDING A POLITICAL PARTY, NOT CERTIFIED UNDER
38 SUBSECTION G OF THIS SECTION TO MAKE CONTRIBUTIONS AT THE HIGHER LIMITS
39 PRESCRIBED BY SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

40 5. TWELVE THOUSAND FIVE HUNDRED DOLLARS PER ELECTION CYCLE FROM A
41 SINGLE POLITICAL COMMITTEE THAT IS CERTIFIED PURSUANT TO SUBSECTION G OF
42 THIS SECTION, EXCLUDING A POLITICAL PARTY.

43 6. SIX THOUSAND TWO HUNDRED FIFTY DOLLARS PER ELECTION CYCLE FROM A
44 SINGLE PARTNERSHIP. CONTRIBUTIONS FROM A PARTNERSHIP SHALL BE ALLOCATED
45 TO THE INDIVIDUAL PARTNERS WHO ARE CONTRIBUTING, AS DESIGNATED BY THE

1 PARTNERSHIP. PARTNERSHIP CONTRIBUTIONS FROM DESIGNATED PARTNERS SHALL BE
2 COMBINED WITH OTHER CONTRIBUTIONS BY THAT INDIVIDUAL PARTNER TO THE SAME
3 RECIPIENT AND ARE SUBJECT TO THE LIMITS ON AN INDIVIDUAL PRESCRIBED BY
4 THIS SECTION. NONPARTNERSHIP MONIES THAT ARE CONTRIBUTED BY AN INDIVIDUAL
5 SHALL NOT BE COUNTED AGAINST THE PARTNERSHIP CONTRIBUTION LIMIT FOR THAT
6 SAME RECIPIENT.

7 B. FOR AN ELECTION FOR A STATEWIDE OFFICE, A CONTRIBUTOR SHALL NOT
8 GIVE AND AN EXPLORATORY COMMITTEE, A CANDIDATE OR A CANDIDATE'S COMMITTEE
9 SHALL NOT ACCEPT CONTRIBUTIONS OF MORE THAN:

10 1. SIX THOUSAND TWO HUNDRED FIFTY DOLLARS PER ELECTION CYCLE FROM
11 AN INDIVIDUAL.

12 2. SIX THOUSAND TWO HUNDRED FIFTY DOLLARS PER ELECTION CYCLE FROM A
13 SINGLE POLITICAL COMMITTEE, EXCLUDING A POLITICAL PARTY, NOT CERTIFIED
14 UNDER SUBSECTION G OF THIS SECTION TO MAKE CONTRIBUTIONS AT THE HIGHER
15 LIMITS PRESCRIBED BY SUBSECTION A, PARAGRAPH 5 OF THIS SECTION AND
16 PARAGRAPH 3 OF THIS SUBSECTION.

17 3. TWELVE THOUSAND FIVE HUNDRED DOLLARS PER ELECTION CYCLE FROM A
18 SINGLE POLITICAL COMMITTEE THAT IS CERTIFIED PURSUANT TO SUBSECTION G OF
19 THIS SECTION, EXCLUDING A POLITICAL PARTY.

20 4. SIX THOUSAND TWO HUNDRED FIFTY DOLLARS PER ELECTION CYCLE FROM A
21 SINGLE PARTNERSHIP. CONTRIBUTIONS FROM A PARTNERSHIP SHALL BE ALLOCATED
22 TO THE INDIVIDUAL PARTNERS WHO ARE CONTRIBUTING, AS DESIGNATED BY THE
23 PARTNERSHIP. PARTNERSHIP CONTRIBUTIONS FROM DESIGNATED PARTNERS SHALL BE
24 COMBINED WITH OTHER CONTRIBUTIONS BY THAT INDIVIDUAL PARTNER TO THE SAME
25 RECIPIENT AND ARE SUBJECT TO THE LIMITS ON AN INDIVIDUAL PRESCRIBED BY
26 THIS SECTION. NONPARTNERSHIP MONIES THAT ARE CONTRIBUTED BY AN INDIVIDUAL
27 SHALL NOT BE COUNTED AGAINST THE PARTNERSHIP CONTRIBUTION LIMIT FOR THAT
28 SAME RECIPIENT.

29 C. A CANDIDATE MAY ACCEPT CONTRIBUTIONS FROM POLITICAL COMMITTEES,
30 EXCLUDING POLITICAL PARTIES, AS OTHERWISE PRESCRIBED IN THIS SECTION AND A
31 CANDIDATE IS NOT RESTRICTED AS TO THE AGGREGATE TOTAL THAT A CANDIDATE MAY
32 LAWFULLY RECEIVE FROM ALL POLITICAL COMMITTEES, EXCLUDING POLITICAL
33 PARTIES.

34 D. A NOMINEE OF A POLITICAL PARTY SHALL NOT ACCEPT CONTRIBUTIONS
35 FROM ALL POLITICAL PARTIES OR POLITICAL ORGANIZATIONS COMBINED TOTALING
36 MORE THAN TEN THOUSAND DOLLARS FOR AN ELECTION FOR AN OFFICE OTHER THAN A
37 STATEWIDE OFFICE, AND ONE HUNDRED THOUSAND DOLLARS FOR AN ELECTION FOR A
38 STATEWIDE OFFICE.

39 E. AN INDIVIDUAL MAY MAKE CONTRIBUTIONS AS OTHERWISE PRESCRIBED BY
40 THIS SECTION, AND AN INDIVIDUAL IS NOT RESTRICTED AS TO THE AGGREGATE
41 TOTAL THAT AN INDIVIDUAL MAY GIVE. AN INDIVIDUAL MAY MAKE AN OTHERWISE
42 LAWFUL CONTRIBUTION USING PERSONAL MONIES CONTAINED IN A REVOCABLE TRUST,
43 WHICH SHALL BE REPORTED AS AN INDIVIDUAL CONTRIBUTION AND WHICH IS SUBJECT
44 TO THE LIMITS ON AN INDIVIDUAL CONTRIBUTION.

1 F. A CANDIDATE'S CAMPAIGN COMMITTEE OR AN INDIVIDUAL'S EXPLORATORY
2 COMMITTEE SHALL NOT MAKE A LOAN AND SHALL NOT TRANSFER OR CONTRIBUTE MONEY
3 TO ANY OTHER CAMPAIGN OR EXPLORATORY COMMITTEE THAT IS DESIGNATED PURSUANT
4 TO THIS CHAPTER OR 52 UNITED STATES CODE SECTION 30101 EXCEPT AS FOLLOWS:

5 1. AN EXPLORATORY COMMITTEE MAY TRANSFER MONIES TO A SUBSEQUENT
6 CANDIDATE'S CAMPAIGN COMMITTEE OF THE INDIVIDUAL DESIGNATING THE
7 EXPLORATORY COMMITTEE, SUBJECT TO THE LIMITS OF SUBSECTION B OF THIS
8 SECTION.

9 2. A CANDIDATE'S CAMPAIGN COMMITTEE MAY TRANSFER OR CONTRIBUTE
10 MONIES TO ANOTHER CAMPAIGN COMMITTEE DESIGNATED BY THE SAME CANDIDATE AS
11 FOLLOWS:

12 (a) SUBJECT TO THE CONTRIBUTION LIMITS OF THIS SECTION PER
13 CONTRIBUTOR, TRANSFER OR CONTRIBUTE MONIES IN THE AGGREGATE FROM ONE
14 COMMITTEE TO ANOTHER IF BOTH COMMITTEES HAVE BEEN DESIGNATED FOR AN
15 ELECTION IN THE SAME YEAR INCLUDING TO A COMMITTEE FOR ANOTHER OFFICE OR
16 IN ANOTHER JURISDICTION.

17 (b) WITHOUT APPLICATION OF THE CONTRIBUTION LIMITS OF THIS SECTION,
18 TRANSFER OR CONTRIBUTE MONIES FROM ONE COMMITTEE TO ANOTHER DESIGNATED FOR
19 AN ELECTION IN A SUBSEQUENT YEAR.

20 G. ONLY POLITICAL COMMITTEES THAT RECEIVED MONIES FROM FIVE HUNDRED
21 OR MORE INDIVIDUALS IN AMOUNTS OF TEN DOLLARS OR MORE IN THE TWO YEAR
22 PERIOD IMMEDIATELY BEFORE APPLICATION TO THE SECRETARY OF STATE FOR
23 QUALIFICATION AS A POLITICAL COMMITTEE PURSUANT TO THIS SECTION MAY MAKE
24 CONTRIBUTIONS TO CANDIDATES UNDER SUBSECTION A, PARAGRAPH 5 OF THIS
25 SECTION AND SUBSECTION B, PARAGRAPH 3 OF THIS SECTION. THE SECRETARY OF
26 STATE SHALL OBTAIN INFORMATION NECESSARY TO MAKE THE DETERMINATION THAT A
27 COMMITTEE MEETS THE REQUIREMENTS OF THIS SUBSECTION AND SHALL PROVIDE
28 WRITTEN CERTIFICATION OF THE FACT TO THE COMMITTEE. A POLITICAL COMMITTEE
29 CERTIFICATION IS VALID FOR FOUR YEARS. A CANDIDATE'S CAMPAIGN COMMITTEE
30 SHALL NOT ACCEPT A CONTRIBUTION PURSUANT TO THIS SUBSECTION UNLESS IT IS
31 ACCOMPANIED BY A COPY OF THE CERTIFICATION. ALL POLITICAL COMMITTEES THAT
32 DO NOT MEET THE REQUIREMENTS OF THIS SUBSECTION ARE SUBJECT TO THE
33 INDIVIDUAL CAMPAIGN CONTRIBUTION LIMITS OF SUBSECTION A, PARAGRAPHS 1 AND
34 2 OF THIS SECTION AND SUBSECTION B, PARAGRAPH 1 OF THIS SECTION.

35 H. THE SECRETARY OF STATE BIENNIALLY SHALL ADJUST TO THE NEAREST
36 TEN DOLLARS THE AMOUNTS IN SUBSECTIONS A THROUGH E OF THIS SECTION BY THE
37 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX AND PUBLISH THE NEW AMOUNTS
38 FOR DISTRIBUTION TO ELECTION OFFICIALS, CANDIDATES AND CAMPAIGN
39 COMMITTEES. FOR THE PURPOSES OF THIS SUBSECTION, "CONSUMER PRICE INDEX"
40 MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, UNITED STATES CITY
41 AVERAGE, THAT IS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR,
42 BUREAU OF LABOR STATISTICS.

43 I. THE FOLLOWING SPECIFIC LIMITATIONS AND PROCEDURES APPLY:

44 1. THE LIMITS OF SUBSECTIONS A THROUGH E OF THIS SECTION APPLY TO
45 EACH ELECTION CYCLE FOR ANY OFFICE OR OFFICES THAT THE CANDIDATE SEEKS.

1 2. THE LIMITS OF SUBSECTIONS A AND B OF THIS SECTION APPLY TO THE
2 TOTAL CONTRIBUTIONS FROM ALL SEPARATE SEGREGATED FUNDS ESTABLISHED, AS
3 PROVIDED IN SECTION 16-920, BY A CORPORATION, LABOR ORGANIZATION, TRADE
4 ASSOCIATION, COOPERATIVE OR CORPORATION WITHOUT CAPITAL STOCK.

5 3. A CONTRIBUTION BY AN UNEMANCIPATED MINOR CHILD SHALL BE TREATED
6 AS A CONTRIBUTION BY THE CHILD'S CUSTODIAL PARENT OR PARENTS FOR
7 DETERMINING COMPLIANCE WITH SUBSECTION A, PARAGRAPHS 1 AND 2, SUBSECTION
8 B, PARAGRAPH 1 AND SUBSECTION E OF THIS SECTION.

9 4. A CONTRIBUTION BY AN INDIVIDUAL OR A SINGLE POLITICAL COMMITTEE
10 TO TWO OR MORE CANDIDATES IN CONNECTION WITH A JOINT FUND-RAISING EFFORT
11 SHALL BE DIVIDED AMONG THE CANDIDATES IN DIRECT PROPORTION TO EACH
12 CANDIDATE CAMPAIGN COMMITTEE'S SHARE OF THE EXPENSES FOR THE FUND-RAISING
13 EFFORT.

14 5. A CANDIDATE SHALL SIGN AND FILE WITH THE CANDIDATE'S NOMINATION
15 PAPER A STATEMENT THAT THE CANDIDATE HAS READ ALL APPLICABLE LAWS RELATING
16 TO CAMPAIGN FINANCING AND REPORTING.

17 6. AFTER THE GENERAL ELECTION, ALL CONTRIBUTIONS MAY BE COMBINED
18 FOR USE IN A SUBSEQUENT ELECTION CYCLE.

19 7. AN INDIVIDUAL OR POLITICAL COMMITTEE SHALL NOT USE ECONOMIC
20 INFLUENCE TO INDUCE MEMBERS OF AN ORGANIZATION TO MAKE CONTRIBUTIONS TO A
21 CANDIDATE, COLLECT CONTRIBUTIONS FROM MEMBERS OF AN ORGANIZATION FOR
22 TRANSMITTAL TO A CANDIDATE, MAKE PAYMENTS TO CANDIDATES FOR PUBLIC
23 APPEARANCES OR SERVICES THAT ARE ORDINARILY UNCOMPENSATED OR USE ANY
24 SIMILAR DEVICE TO CIRCUMVENT ANY OF THE LIMITATIONS OF THIS SECTION.

25 J. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
26 IMPOSED AS PRESCRIBED IN SECTION 16-924 OF THREE TIMES THE AMOUNT OF MONEY
27 THAT HAS BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION OF THIS SECTION
28 OR THREE TIMES THE VALUE IN MONEY FOR AN EQUIVALENT OF MONEY OR OTHER
29 THINGS OF VALUE THAT HAVE BEEN RECEIVED, EXPENDED OR PROMISED IN VIOLATION
30 OF THIS SECTION.

31 K. ANY QUALIFIED ELECTOR MAY FILE A SWORN COMPLAINT WITH THE
32 ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY IN WHICH A VIOLATION
33 OF THIS SECTION IS BELIEVED TO HAVE OCCURRED, AND THE ATTORNEY GENERAL OR
34 THE COUNTY ATTORNEY SHALL INVESTIGATE THE COMPLAINT FOR POSSIBLE ACTION.

35 L. IF THE FILING OFFICER, ATTORNEY GENERAL OR COUNTY ATTORNEY FAILS
36 TO INSTITUTE AN ACTION WITHIN FORTY-FIVE WORKING DAYS AFTER RECEIVING A
37 COMPLAINT UNDER SUBSECTION K OF THIS SECTION, THE INDIVIDUAL FILING THE
38 COMPLAINT MAY BRING A CIVIL ACTION IN THE INDIVIDUAL'S OWN NAME AND AT THE
39 INDIVIDUAL'S OWN EXPENSE, WITH THE SAME EFFECT AS IF BROUGHT BY THE FILING
40 OFFICER, ATTORNEY GENERAL OR COUNTY ATTORNEY. THE INDIVIDUAL SHALL
41 EXECUTE A BOND PAYABLE TO THE DEFENDANT IF THE INDIVIDUAL FAILS TO
42 PROSECUTE THE ACTION SUCCESSFULLY. THE COURT SHALL AWARD TO THE
43 PREVAILING PARTY COSTS AND REASONABLE ATTORNEY FEES.

44 M. IF A PROVISION OF THIS SECTION OR ITS APPLICATION TO ANY PERSON
45 OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER

1 PROVISIONS OR APPLICATIONS OF THE SECTION THAT CAN BE GIVEN EFFECT WITHOUT
2 THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
3 THIS SECTION ARE SEVERABLE.

4 N. THE USE OF A CANDIDATE'S PERSONAL MONIES, OR THE USE OF PERSONAL
5 MONIES BY AN INDIVIDUAL WHO DESIGNATES AN EXPLORATORY COMMITTEE, IS NOT
6 SUBJECT TO THE LIMITATIONS OF THIS SECTION.

7 O. FOR ANY STATEWIDE OR LEGISLATIVE CANDIDATE WHO IS NOT
8 PARTICIPATING IN THE CITIZENS CLEAN ELECTIONS ACT FUNDING SYSTEM
9 ESTABLISHED PURSUANT TO ARTICLE 2 OF THIS CHAPTER:

10 1. COMPLAINTS AND INVESTIGATIONS RELATING TO AN ALLEGED VIOLATION
11 OF THIS ARTICLE ARE SUBJECT ONLY TO THE JURISDICTION, PENALTIES AND
12 PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE AND THE ENFORCEMENT AND
13 INVESTIGATIVE AUTHORITY OF THE SECRETARY OF STATE AND ATTORNEY GENERAL.

14 2. THE CITIZENS CLEAN ELECTIONS COMMISSION HAS NO AUTHORITY TO
15 ACCEPT, INVESTIGATE OR OTHERWISE ACT ON ANY COMPLAINT INVOLVING AN ALLEGED
16 VIOLATION OF THIS ARTICLE.

17 16-906. Loans; repayments; guarantors

18 A. A LOAN TO A POLITICAL COMMITTEE OR TO A CANDIDATE MADE FOR THE
19 PURPOSE OF INFLUENCING AN ELECTION THAT EXCEEDS THE LENDER'S CONTRIBUTION
20 LIMITATIONS PRESCRIBED IN SECTION 16-905 REMAINS UNLAWFUL WHETHER OR NOT
21 IT IS REPAYED.

22 B. A LOAN TO A POLITICAL COMMITTEE OR TO A CANDIDATE MADE FOR THE
23 PURPOSE OF INFLUENCING AN ELECTION AND MADE WITHIN THE CONTRIBUTION
24 LIMITATIONS PRESCRIBED IN SECTION 16-905 REMAINS A CONTRIBUTION TO THE
25 EXTENT IT REMAINS UNPAID. A LOAN IS NO LONGER A CONTRIBUTION TO THE
26 EXTENT IT IS REPAYED.

27 C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE MAKING
28 OF A LOAN THAT IS MADE FOR THE PURPOSE OF INFLUENCING AN ELECTION RESULTS
29 IN A CONTRIBUTION BY EACH ENDORSER OR GUARANTOR. THE ENDORSER'S OR
30 GUARANTOR'S CONTRIBUTION IS THAT PORTION OF THE TOTAL AMOUNT OF THE LOAN
31 FOR WHICH THE ENDORSER OR GUARANTOR AGREED IN WRITING TO BE LIABLE OR, IF
32 NOT STATED IN WRITING, THE CONTRIBUTION IS IN THE SAME PROPORTION TO THE
33 UNPAID BALANCE THAT EACH ENDORSER OR GUARANTOR BEARS TO THE TOTAL NUMBER
34 OF ENDORSERS OR GUARANTORS. ANY REDUCTION IN THE UNPAID BALANCE OF THE
35 LOAN REDUCES PROPORTIONATELY THE AMOUNT OF THE CONTRIBUTION OF EACH
36 ENDORSER OR GUARANTOR.

37 D. A LOAN OBTAINED BY A CANDIDATE ON WHICH THE CANDIDATE'S SPOUSE'S
38 SIGNATURE IS REQUIRED IF JOINTLY OWNED ASSETS ARE USED AS COLLATERAL OR
39 SECURITY IS NOT CONSIDERED A CONTRIBUTION FROM THE CANDIDATE'S SPOUSE.

40 16-907. Prohibited contributions: standing political
41 committees; violation; classification

42 A. ANY PERSON WHO MAKES A CONTRIBUTION IN THE NAME OF ANOTHER
43 PERSON OR WHO KNOWINGLY PERMITS HIS NAME TO BE USED TO EFFECT SUCH A
44 CONTRIBUTION AND ANY PERSON WHO KNOWINGLY ACCEPTS A CONTRIBUTION MADE BY
45 ONE PERSON IN THE NAME OF ANOTHER PERSON IS GUILTY OF A CLASS 6 FELONY.

1 B. EXCEPT FOR A CONTRIBUTION TO A CANDIDATE'S CAMPAIGN COMMITTEE,
2 AN INDIVIDUAL OR POLITICAL COMMITTEE SHALL NOT GIVE AND A POLITICAL PARTY
3 OR OTHER POLITICAL COMMITTEE SHALL NOT ACCEPT AN EARMARKED CONTRIBUTION.

4 C. A STANDING POLITICAL COMMITTEE SHALL NOT ACT AS A CAMPAIGN
5 COMMITTEE OR A SPONSORING ORGANIZATION FOR ANY CANDIDATE, INITIATIVE,
6 REFERENDUM OR RECALL BUT MAY CONTRIBUTE TO OTHER POLITICAL COMMITTEES AS
7 PROVIDED BY LAW.

8 16-911. Independent expenditures; election officer analysis;
9 coordination

10 A. IN EVALUATING WHETHER AN EXPENDITURE IS AN INDEPENDENT
11 EXPENDITURE AS DEFINED IN SECTION 16-901, AN ELECTION OFFICIAL SHALL USE
12 THE FOLLOWING AS EVIDENCE OF COORDINATION AND AN EXPENDITURE IS NOT AN
13 INDEPENDENT EXPENDITURE IF ANY OF THE FOLLOWING APPLIES:

14 1. ANY OFFICER, MEMBER, EMPLOYEE OR AGENT OF THE POLITICAL
15 COMMITTEE MAKING THE EXPENDITURE IS ALSO AN OFFICER, MEMBER, EMPLOYEE OR
16 AGENT OF THE COMMITTEE OF THE CANDIDATE WHOSE ELECTION OR WHOSE OPPONENT'S
17 DEFEAT IS BEING ADVOCATED BY THE EXPENDITURE OR AN AGENT OF THE CANDIDATE
18 WHOSE ELECTION OR WHOSE OPPONENT'S DEFEAT IS BEING ADVOCATED BY THE
19 EXPENDITURE.

20 2. THERE IS ANY ARRANGEMENT, COORDINATION OR DIRECTION WITH RESPECT
21 TO THE EXPENDITURE BETWEEN THE CANDIDATE OR THE CANDIDATE'S AGENT AND THE
22 PERSON MAKING THE EXPENDITURE, INCLUDING ANY OFFICER, DIRECTOR, EMPLOYEE
23 OR AGENT OF THAT PERSON.

24 3. IN THE SAME ELECTION THE PERSON MAKING THE EXPENDITURE,
25 INCLUDING ANY OFFICER, DIRECTOR, EMPLOYEE OR AGENT OF THAT PERSON, IS OR
26 HAS BEEN:

27 (a) AUTHORIZED TO RAISE OR EXPEND MONIES ON BEHALF OF THE CANDIDATE
28 OR THE CANDIDATE'S AUTHORIZED COMMITTEES.

29 (b) RECEIVING ANY FORM OF COMPENSATION OR REIMBURSEMENT FROM THE
30 CANDIDATE, THE CANDIDATE'S COMMITTEES OR THE CANDIDATE'S AGENT.

31 4. THE EXPENDITURE IS BASED ON INFORMATION ABOUT THE CANDIDATE'S
32 PLANS, PROJECTS OR NEEDS, OR THOSE OF THE CANDIDATE'S CAMPAIGN COMMITTEE,
33 PROVIDED TO THE EXPENDING PERSON BY THE CANDIDATE OR BY THE CANDIDATE'S
34 AGENTS OR ANY OFFICER, MEMBER OR EMPLOYEE OF THE CANDIDATE'S CAMPAIGN
35 COMMITTEE WITH A VIEW TOWARD HAVING THE EXPENDITURE MADE.

36 B. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPHS 2 AND 3 OF THIS
37 SECTION:

38 1. THE ACTIONS OF AN OFFICER, DIRECTOR, EMPLOYEE OR AGENT OF A
39 TRADE ASSOCIATION ORGANIZED AND RECOGNIZED BY THE UNITED STATES INTERNAL
40 REVENUE SERVICE UNDER SECTION 501(c)(6) OF THE INTERNAL REVENUE CODE ARE
41 NOT ATTRIBUTABLE TO THE TRADE ASSOCIATION MAKING AN INDEPENDENT
42 EXPENDITURE IF ALL OF THE FOLLOWING APPLY:

43 (a) THE OFFICER, DIRECTOR, EMPLOYEE OR AGENT DID NOT PARTICIPATE IN
44 ANY WAY IN DECIDING TO MAKE AN INDEPENDENT EXPENDITURE OR IN DECIDING THE
45 CONTENT, TIMING OR TARGETING OF AN INDEPENDENT EXPENDITURE.

(b) THE TRADE ASSOCIATION HAD AN EXPRESS WRITTEN POLICY DESCRIBING THE REQUISITE SEPARATION PRESCRIBED IN SUBDIVISION (a) OF THIS PARAGRAPH.

(c) THE TRADE ASSOCIATION AND THE OFFICER, DIRECTOR, EMPLOYEE OR AGENT FOLLOWED THE WRITTEN POLICY PRESCRIBED IN SUBDIVISION (b) OF THIS PARAGRAPH.

2. SERVING ON A HOST COMMITTEE FOR A FUND-RAISING EVENT DOES NOT PRESUMPTIVELY DEMONSTRATE ANY ARRANGEMENT, COORDINATION OR DIRECTION.

16-912. Candidates and independent expenditures; campaign literature and advertisement sponsors; identification; civil penalty

A. A POLITICAL COMMITTEE THAT MAKES AN EXPENDITURE FOR CAMPAIGN LITERATURE OR ADVERTISEMENTS THAT EXPRESSLY ADVOCATE THE ELECTION OR DEFEAT OF ANY CANDIDATE OR THAT MAKE ANY SOLICITATION OF CONTRIBUTIONS TO ANY POLITICAL COMMITTEE SHALL INCLUDE ON THE LITERATURE OR ADVERTISEMENT THE WORDS "PAID FOR BY" FOLLOWED BY THE NAME OF THE COMMITTEE THAT APPEARS ON ITS STATEMENT OF ORGANIZATION OR FIVE HUNDRED DOLLAR EXEMPTION STATEMENT.

B. IF THE EXPENDITURE FOR THE CAMPAIGN LITERATURE OR ADVERTISEMENTS BY A POLITICAL COMMITTEE IS AN INDEPENDENT EXPENDITURE, THE POLITICAL COMMITTEE, IN ADDITION TO THE DISCLOSURES REQUIRED BY SUBSECTION A OF THIS SECTION, SHALL INCLUDE ON THE LITERATURE OR ADVERTISEMENT THE NAMES AND TELEPHONE NUMBERS OF THE THREE POLITICAL COMMITTEES MAKING THE LARGEST CONTRIBUTIONS TO THE POLITICAL COMMITTEE MAKING THE INDEPENDENT EXPENDITURE. IF AN ACRONYM IS USED TO NAME ANY POLITICAL COMMITTEE OUTLINED IN THIS SECTION, THE NAME OF ANY SPONSORING ORGANIZATION OF THE POLITICAL COMMITTEE SHALL ALSO BE PRINTED OR SPOKEN. FOR THE PURPOSES OF DETERMINING THE THREE CONTRIBUTORS TO BE DISCLOSED, ONLY THE CONTRIBUTIONS MADE DURING THE CALENDAR YEAR IN WHICH THE INDEPENDENT EXPENDITURE IS MADE SHALL BE CONSIDERED.

C. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO BUMPER STICKERS, PINS, BUTTONS, PENS AND SIMILAR SMALL ITEMS ON WHICH THE STATEMENTS REQUIRED IN SUBSECTION A OF THIS SECTION CANNOT BE CONVENIENTLY PRINTED OR TO SIGNS PAID FOR BY A CANDIDATE WITH CAMPAIGN MONIES OR BY A CANDIDATE'S CAMPAIGN COMMITTEE OR TO A SOLICITATION OF CONTRIBUTIONS BY A SEPARATE SEGREGATED FUND FROM THOSE PERSONS IT MAY SOLICIT PURSUANT TO SECTIONS 16-920 AND 16-921.

D. THE DISCLOSURES REQUIRED PURSUANT TO THIS SECTION SHALL BE PRINTED CLEARLY AND LEGIBLY IN A CONSPICUOUS MANNER. THE DISCLOSURE STATEMENT SHALL INCLUDE THE WORDS "PAID FOR BY" FOLLOWED BY THE NAME OF THE ENTITY MAKING THE EXPENDITURE AND SHALL STATE THAT IT IS NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S CAMPAIGN COMMITTEE. DISCLOSURE STATEMENTS SHALL ALSO COMPLY WITH THE FOLLOWING:

1. IF THE COMMUNICATION IS BROADCAST ON RADIO, THE DISCLOSURE SHALL BE SPOKEN AT THE END OF THE COMMUNICATION.

2. FOR PRINTED MATERIAL THAT IS DELIVERED OR PROVIDED BY HAND OR BY MAIL, THE DISCLOSURE SHALL BE PRINTED CLEARLY AND LEGIBLY IN A CONSPICUOUS MANNER.

3. IF THE COMMUNICATION IS BROADCAST ON A TELECOMMUNICATIONS SYSTEM, THE FOLLOWING APPLY:

(a) THE DISCLOSURE SHALL BE BOTH WRITTEN AND SPOKEN AT THE END OF THE COMMUNICATION, EXCEPT THAT IF THE WRITTEN DISCLOSURE STATEMENT IS DISPLAYED FOR AT LEAST FIVE SECONDS OF A THIRTY SECOND COMMUNICATIONS BROADCAST OR TEN SECONDS OF A SIXTY SECOND COMMUNICATIONS BROADCAST, A SPOKEN DISCLOSURE STATEMENT IS NOT REQUIRED.

(b) THE WRITTEN DISCLOSURE STATEMENT SHALL BE PRINTED IN LETTERS THAT ARE DISPLAYED IN A HEIGHT THAT IS EQUAL TO OR GREATER THAN FOUR PERCENT OF THE VERTICAL PICTURE HEIGHT.

E. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF UP TO THREE TIMES THE COST OF PRODUCING AND DISTRIBUTING THE LITERATURE OR ADVERTISEMENT. THIS CIVIL PENALTY SHALL BE IMPOSED AS PRESCRIBED IN SECTION 16-924.

16-912.01. Ballot measure committees: campaign literature and advertising funding; identification; disclosure; civil penalty; definition

A. A POLITICAL COMMITTEE THAT MAKES AN EXPENDITURE IN CONNECTION WITH ANY LITERATURE OR ADVERTISEMENT TO SUPPORT OR OPPOSE A BALLOT PROPOSITION SHALL DISCLOSE AND SHALL INCLUDE ON THE LITERATURE OR ADVERTISEMENT THE WORDS "PAID FOR BY", FOLLOWED BY THE NAME OF THE COMMITTEE THAT APPEARS ON ITS STATEMENT OF ORGANIZATION OR FIVE HUNDRED DOLLAR THRESHOLD EXEMPTION STATEMENT, AND SHALL ALSO INCLUDE IN SUCH LITERATURE OR ADVERTISEMENT THE FOUR LARGEST OF ITS MAJOR FUNDING SOURCES AS OF THE TIME THE LITERATURE OR ADVERTISEMENT IS PRINTED, RECORDED OR OTHERWISE PRODUCED FOR DISSEMINATION. IF A POLITICAL COMMITTEE HAS FEWER THAN FOUR MAJOR FUNDING SOURCES, THE COMMITTEE SHALL DISCLOSE ALL MAJOR FUNDING SOURCES.

B. FOR THE PURPOSES OF THIS SECTION, A MAJOR FUNDING SOURCE OF A POLITICAL COMMITTEE IS ANY CONTRIBUTOR THAT IS NOT AN INDIVIDUAL PERSON AND THAT HAS MADE CUMULATIVE CONTRIBUTIONS OF EITHER:

1. TEN THOUSAND DOLLARS OR MORE FOR AN EXPENDITURE IN SUPPORT OF OR
OPPOSITION TO A STATEWIDE BALLOT PROPOSITION OR A BALLOT PROPOSITION OF A
POLITICAL SUBDIVISION WITH A POPULATION OF ONE HUNDRED THOUSAND PERSONS OR
MORE.

2. FIVE THOUSAND DOLLARS OR MORE FOR AN EXPENDITURE IN SUPPORT OF OR OPPOSITION TO A BALLOT PROPOSITION OF A POLITICAL SUBDIVISION WITH A POPULATION OF LESS THAN ONE HUNDRED THOUSAND PERSONS.

C. IF AN OUT-OF-STATE CONTRIBUTOR OR GROUP OF OUT-OF-STATE CONTRIBUTORS IS A MAJOR FUNDING SOURCE TO A POLITICAL COMMITTEE DISCLOSED PURSUANT TO SUBSECTION A OF THIS SECTION, THE POLITICAL COMMITTEE SHALL

1 STATE THE CONTRIBUTOR IS AN OUT-OF-STATE CONTRIBUTOR ON ITS LITERATURE OR
2 ADVERTISEMENT IN SUPPORT OF OR IN OPPOSITION TO A BALLOT PROPOSITION.

3 D. CONTRIBUTORS THAT MAKE CONTRIBUTIONS TO MORE THAN ONE POLITICAL
4 COMMITTEE THAT SUPPORTS OR OPPOSES THE SAME BALLOT PROPOSITION SHALL
5 NOTIFY EACH POLITICAL COMMITTEE OF THE CUMULATIVE TOTAL OF THESE
6 CONTRIBUTIONS. CUMULATIVE TOTALS MUST BE DISCLOSED BY EACH POLITICAL
7 COMMITTEE THAT RECEIVED CONTRIBUTIONS FROM THE SAME CONTRIBUTOR IF THE
8 CUMULATIVE TOTALS QUALIFY AS A MAJOR FUNDING SOURCE TO BE DISCLOSED
9 PURSUANT TO SUBSECTION A OF THIS SECTION.

10 E. A DISCLOSURE STATEMENT REQUIRED BY THIS SECTION SHALL BE PRINTED
11 CLEARLY AND LEGIBLY IN A CONSPICUOUS MANNER. FOR PRINTED MATERIAL THAT IS
12 DELIVERED OR PROVIDED BY HAND OR BY MAIL, THE DISCLOSURE SHALL BE PRINTED
13 IN A CLEARLY LEGIBLE MANNER. THE DISCLOSURE STATEMENT SHALL INCLUDE THE
14 WORDS "PAID FOR BY" FOLLOWED BY THE NAME OF THE ENTITY MAKING THE
15 EXPENDITURE. DISCLOSURE STATEMENTS SHALL ALSO COMPLY WITH THE FOLLOWING:

16 1. IF THE COMMUNICATION IS BROADCAST ON RADIO, THE DISCLOSURE SHALL
17 BE SPOKEN AT THE END OF THE COMMUNICATION.

18 2. IF THE COMMUNICATION IS BROADCAST ON A TELECOMMUNICATIONS
19 SYSTEM, THE FOLLOWING APPLY:

20 (a) THE DISCLOSURE SHALL BE BOTH WRITTEN AND SPOKEN AT THE END OF
21 THE COMMUNICATION, EXCEPT THAT IF THE WRITTEN DISCLOSURE STATEMENT IS
22 DISPLAYED FOR AT LEAST FIVE SECONDS OF A THIRTY SECOND COMMUNICATIONS
23 BROADCAST OR TEN SECONDS OF A SIXTY SECOND COMMUNICATIONS BROADCAST, A
24 SPOKEN DISCLOSURE STATEMENT IS NOT REQUIRED.

25 (b) THE WRITTEN DISCLOSURE STATEMENT SHALL BE PRINTED IN LETTERS
26 THAT ARE DISPLAYED IN A HEIGHT EQUAL TO OR GREATER THAN FOUR PERCENT OF
27 THE VERTICAL PICTURE HEIGHT.

28 F. SUBSECTIONS A AND E OF THIS SECTION DO NOT APPLY TO BUMPER
29 STICKERS, PINS, BUTTONS, PENS AND SIMILAR SMALL ITEMS ON WHICH THE
30 STATEMENTS REQUIRED IN SUBSECTIONS A AND E OF THIS SECTION CANNOT BE
31 CONVENIENTLY PRINTED OR TO A COMMUNICATION BY AN ORGANIZATION SOLELY TO
32 ITS MEMBERS.

33 G. A COMMITTEE SHALL CHANGE FUTURE LITERATURE AND ADVERTISEMENTS TO
34 REFLECT ANY CHANGE IN FUNDING SOURCES THAT MUST BE DISCLOSED PURSUANT TO
35 SUBSECTION A OF THIS SECTION.

36 H. THIS SECTION APPLIES TO ONLY ADVERTISEMENTS THE CONTENTS OF
37 WHICH ARE MORE THAN FIFTY PERCENT DEVOTED TO ONE OR MORE BALLOT
38 PROPOSITIONS OR PROPOSED MEASURES ON THE SAME SUBJECT.

39 I. ANY COMMITTEE THAT VIOLATES THIS SECTION IS LIABLE IN A CIVIL
40 ACTION BROUGHT BY THE ATTORNEY GENERAL, COUNTY ATTORNEY OR CITY OR TOWN
41 ATTORNEY, AS APPROPRIATE, OR BY ANY OTHER PERSON FOR A CIVIL PENALTY OF
42 THREE TIMES THE TOTAL COST OF THE ADVERTISEMENT. A DONOR WHO DOES NOT
43 ACCURATELY DISCLOSE ITS CONTRIBUTIONS IS LIABLE FOR A CIVIL PENALTY OF
44 THREE TIMES THE AMOUNT DONATED.

1 J. FOR THE PURPOSES OF THIS SECTION, "ADVERTISEMENT" MEANS GENERAL
2 PUBLIC ADVERTISING THROUGH THE PRINT AND ELECTRONIC MEDIA, SIGNS,
3 BILLBOARDS AND DIRECT MAIL.

4 16-913. Campaign finance reports: reporting of receipts and
5 disbursements: exemptions; civil penalty

6 A. EXCEPT AS PROVIDED IN SUBSECTION K OF THIS SECTION, EACH
7 POLITICAL COMMITTEE SHALL FILE CAMPAIGN FINANCE REPORTS IN THE FORMAT
8 PRESCRIBED BY THE FILING OFFICER SETTING FORTH THE COMMITTEE'S RECEIPTS
9 AND DISBURSEMENTS ACCORDING TO THE SCHEDULE PRESCRIBED IN SUBSECTIONS B
10 AND C OF THIS SECTION.

11 B. IN ANY CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED
12 ELECTION AT WHICH ANY CANDIDATES, MEASURES, QUESTIONS OR PROPOSITIONS
13 APPEAR OR MAY APPEAR ON THE BALLOT, THE POLITICAL COMMITTEE SHALL FILE
14 EACH OF THE FOLLOWING CAMPAIGN FINANCE REPORTS:

15 1. A REPORT COVERING THE PERIOD BEGINNING JANUARY 1 THROUGH MAY 31,
16 FILED NO LATER THAN JUNE 30.

17 2. A PREELECTION REPORT, THAT SHALL BE FILED NOT LESS THAN FOUR
18 DAYS BEFORE ANY ELECTION AND THAT SHALL BE COMPLETE THROUGH THE TWELFTH
19 DAY BEFORE THE ELECTION.

20 3. A POSTELECTION REPORT, THAT SHALL BE FILED NOT MORE THAN THIRTY
21 DAYS AFTER ANY ELECTION AND THAT SHALL BE COMPLETE THROUGH THE TWENTIETH
22 DAY AFTER THE ELECTION.

23 C. IN ANY OTHER CALENDAR YEAR, THE POLITICAL COMMITTEE SHALL FILE A
24 REPORT COVERING THE PERIOD BEGINNING TWENTY-ONE DAYS AFTER THE DATE OF THE
25 ELECTION IN THE PRECEDING CALENDAR YEAR THROUGH DECEMBER 31 OF THE
26 NONELECTION YEAR FILED NO LATER THAN JANUARY 31 OF THE FOLLOWING CALENDAR
27 YEAR. FOR A SPECIAL ELECTION FOR WHICH THE SECRETARY OF STATE IS THE
28 FILING OFFICER, A POLITICAL COMMITTEE THAT RECEIVES CONTRIBUTIONS OR MAKES
29 EXPENDITURES TO INFLUENCE THAT ELECTION SHALL FILE THE FOLLOWING:

30 1. FOR AN INITIATIVE, REFERENDUM OR RECALL, A PREELECTION REPORT
31 THAT IS DUE WITHIN FIFTEEN DAYS OF FILING THE PETITION WITH THE SECRETARY
32 OF STATE AND THAT IS CURRENT THROUGH THE DATE THE PETITION WAS FILED.

33 2. A PREELECTION REPORT THAT IS DUE WITHIN FIFTEEN DAYS OF THE
34 GOVERNOR'S PROCLAMATION CALLING THE SPECIAL ELECTION AND THAT IS CURRENT
35 THROUGH THE DATE OF THE GOVERNOR'S PROCLAMATION.

36 3. A PREELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,
37 PARAGRAPH 2 OF THIS SECTION.

38 4. A POSTELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B,
39 PARAGRAPH 3 OF THIS SECTION.

40 D. IF A POLITICAL COMMITTEE RECEIVES NO CONTRIBUTIONS AND MAKES NO
41 EXPENDITURES DURING A PERIOD IN WHICH IT IS REQUIRED TO FILE A CAMPAIGN
42 FINANCE REPORT, THE COMMITTEE TREASURER OR IF THE TREASURER IS UNAVAILABLE
43 THE CANDIDATE, IN LIEU OF FILING A REPORT REQUIRED BY SUBSECTION B OF THIS
44 SECTION, MAY SIGN AND FILE A FORM PRESCRIBED BY THE SECRETARY OF STATE
45 INDICATING NO ACTIVITY DURING THE SPECIFIC REPORTING PERIOD.

1 E. IN LIEU OF THE REPORTS PRESCRIBED IN SUBSECTIONS B AND C OF THIS
2 SECTION, A CANDIDATE'S POLITICAL COMMITTEE THAT REMAINS ACTIVE AFTER AN
3 ELECTION DUE TO OUTSTANDING DEBTS MAY FILE A DOCUMENT NO LATER THAN
4 JANUARY 31 IN A FORM PRESCRIBED BY THE SECRETARY OF STATE THAT STATES THAT
5 THE COMMITTEE DOES NOT INTEND TO RECEIVE ANY CONTRIBUTIONS OR MAKE ANY
6 EXPENDITURES DURING THE YEAR. IF A CANDIDATE'S POLITICAL COMMITTEE DOES
7 RECEIVE A CONTRIBUTION OR MAKE AN EXPENDITURE DURING THAT YEAR, THE
8 COMMITTEE SHALL REPORT AS PRESCRIBED BY SUBSECTION B OR C OF THIS SECTION.

9 F. A JUDGE WHO HAS FILED A DECLARATION OF THE DESIRE TO BE RETAINED
10 IN OFFICE IS EXEMPT FROM FILING ANY REPORT REQUIRED BY THIS SECTION IF THE
11 JUDGE, NOT LATER THAN TWELVE DAYS BEFORE THE GENERAL ELECTION, FILES A
12 STATEMENT SIGNED AND SWORN TO BY THE JUDGE CERTIFYING THAT THE JUDGE HAS
13 RECEIVED NO CONTRIBUTIONS, HAS MADE NO EXPENDITURES AND HAS NO CAMPAIGN
14 COMMITTEE AND THAT THE JUDGE DOES NOT INTEND TO RECEIVE CONTRIBUTIONS,
15 MAKE EXPENDITURES OR HAVE A CAMPAIGN COMMITTEE FOR THE PURPOSE OF
16 INFLUENCING THE RESULT OF THE VOTE ON THE QUESTION OF THE JUDGE'S
17 RETENTION. WITH RESPECT TO SUPERIOR COURT JUDGES, A STATEMENT FILED
18 PURSUANT TO THIS SUBSECTION IS EFFECTIVE UNTIL THE EARLIER OF TWELVE DAYS
19 BEFORE THE THIRD GENERAL ELECTION FOLLOWING THE FILING OF THIS STATEMENT
20 OR THE JUDGE RECEIVES CONTRIBUTIONS, MAKES EXPENDITURES OR AUTHORIZES A
21 CAMPAIGN COMMITTEE. SUCH A STATEMENT FILED BY A SUPREME COURT JUSTICE OR
22 A COURT OF APPEALS JUDGE IS EFFECTIVE UNTIL THE EARLIER OF TWELVE DAYS
23 BEFORE THE FOURTH GENERAL ELECTION FOLLOWING THE FILING OF THIS STATEMENT
24 OR THE JUSTICE OR JUDGE RECEIVES CONTRIBUTIONS, MAKES EXPENDITURES OR
25 AUTHORIZES A CAMPAIGN COMMITTEE.

26 G. REPORTS IN CONNECTION WITH SPECIAL OR RECALL ELECTIONS SHALL
27 CONFORM TO THE FILING DEADLINES SET FORTH IN SUBSECTIONS B AND C OF THIS
28 SECTION.

29 H. EXCEPT AS PROVIDED IN SECTION 16-916, SUBSECTION B AND
30 SUBSECTION K OF THIS SECTION, A POLITICAL COMMITTEE SHALL COMPLY WITH THE
31 REQUIREMENTS OF THIS SECTION IN EACH JURISDICTION IN THIS STATE IN WHICH
32 THE COMMITTEE HAS FILED A STATEMENT OF ORGANIZATION UNTIL THE COMMITTEE
33 TERMINATES PURSUANT TO SECTION 16-914, AND ITS STATEMENTS, DESIGNATIONS
34 AND REPORTS SHALL BE FILED WITH EACH OFFICER WITH WHOM IT HAS FILED A
35 STATEMENT OF ORGANIZATION, AS APPROPRIATE.

36 I. EACH REPORT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL
37 BE SIGNED BY THE COMMITTEE TREASURER OR THE CANDIDATE OR THE DESIGNATING
38 INDIVIDUAL IF THE TREASURER IS UNAVAILABLE AND SHALL CONTAIN THE
39 CERTIFICATION OF THE SIGNER UNDER PENALTY OF PERJURY THAT THE REPORT IS
40 TRUE AND COMPLETE.

41 J. A POLITICAL COMMITTEE AND THE CANDIDATE, IN THE CASE OF A
42 CANDIDATE'S CAMPAIGN COMMITTEE, OR THE DESIGNATING INDIVIDUAL, IN THE CASE
43 OF AN EXPLORATORY COMMITTEE, WHO VIOLATE THIS SECTION ARE SUBJECT TO THE
44 PENALTY PRESCRIBED IN SECTION 16-918.

K. A STANDING POLITICAL COMMITTEE SHALL FILE REPORTS WITH THE SECRETARY OF STATE AND IS EXEMPT FROM FILING A REPORT WITH ANY OTHER JURISDICTION IN WHICH IT IS ACTIVE. THE REPORTS SHALL BE IN AN ELECTRONIC FORMAT AS PRESCRIBED BY THE SECRETARY OF STATE OR BY USE OF THE INTERNET. THE SECRETARY OF STATE SHALL PROMPTLY MAKE THE REPORTS AVAILABLE TO THE PUBLIC ON THE INTERNET AND SHALL MAKE THE REPORTS AVAILABLE BY ELECTRONIC MEANS BY REQUEST. THE STANDING COMMITTEE SHALL FILE THE FOLLOWING REPORTS:

1. A PREELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B, PARAGRAPH 2 OF THIS SECTION SHALL BE FILED FOR EACH CONSOLIDATED ELECTION DATE PRESCRIBED BY SECTION 16-204.

2. A POSTELECTION REPORT THAT IS DUE AS PRESCRIBED BY SUBSECTION B, PARAGRAPH 3 OF THIS SECTION SHALL BE FILED FOR EACH CONSOLIDATED ELECTION DATE PRESCRIBED BY SECTION 16-204.

3. AN ANNUAL REPORT THAT IS DUE BY JANUARY 31 IN THE YEAR IMMEDIATELY FOLLOWING THE CALENDAR YEAR THAT IS THE SUBJECT OF THE REPORT.

16-913.01. Additional reporting by candidate campaign committees: single contribution: civil penalty

A. IN ADDITION TO ANY OTHER FILINGS REQUIRED BY LAW, A CANDIDATE OR A CANDIDATE'S CAMPAIGN COMMITTEE SHALL GIVE NOTICE TO THE FILING OFFICER IF THE CANDIDATE OR COMMITTEE RECEIVES FROM A SINGLE SOURCE A CONTRIBUTION OF AT LEAST ONE THOUSAND DOLLARS LESS THAN TWENTY DAYS BEFORE THE DAY OF THE ELECTION.

B. THE NOTICE PRESCRIBED BY THIS SECTION SHALL BE FILED WITHIN SEVENTY-TWO HOURS AFTER RECEIPT OF THE CONTRIBUTION AND SHALL INCLUDE THE DATE OF RECEIPT, THE NAME OF THE CONTRIBUTOR AND THE AMOUNT OF THE CONTRIBUTION. CONTRIBUTIONS THAT ARE SUBJECT TO THE NOTICE PRESCRIBED BY THIS SECTION SHALL BE INCLUDED IN THE NEXT REGULAR REPORT FILED PURSUANT TO SECTION 16-913. FOR THE PURPOSES OF THIS SECTION, THE DATE OF RECEIPT OF A CONTRIBUTION IS THE DATE THE CANDIDATE'S CAMPAIGN COMMITTEE OBTAINS POSSESSION OF THE CONTRIBUTION.

C. A CANDIDATE'S CAMPAIGN COMMITTEE THAT KNOWINGLY VIOLATES THIS SECTION AND A PERSON WHO KNOWINGLY VIOLATES THIS SECTION ARE LIABLE IN A CIVIL ACTION FOR A CIVIL PENALTY OF UP TO THREE TIMES THE AMOUNT IMPROPERLY REPORTED.

16-914. Termination statement

A. EXCEPT AS PRESCRIBED BY SUBSECTION C OF THIS SECTION AND SECTION 16-904, SUBSECTION F, A POLITICAL COMMITTEE MAY TERMINATE ONLY WHEN THE COMMITTEE CHAIRMAN AND TREASURER FILE A STATEMENT WITH THE OFFICER WITH WHOM THE COMMITTEE'S STATEMENT OF ORGANIZATION IS FILED IN THE FORMAT PRESCRIBED BY THE FILING OFFICER CERTIFYING UNDER PENALTY OF PERJURY THAT IT WILL NO LONGER RECEIVE ANY CONTRIBUTIONS OR MAKE ANY DISBURSEMENTS, THAT THE COMMITTEE HAS NO OUTSTANDING DEBTS OR OBLIGATIONS AND THAT ANY SURPLUS MONIES HAVE BEEN DISPOSED OF PURSUANT TO SECTION 16-915.01 TOGETHER WITH A STATEMENT OF THE MANNER OF DISPOSITION OF THE SURPLUS, THE

1 NAME AND ADDRESS OF EACH RECIPIENT OF SURPLUS MONIES AND THE DATE AND
2 AMOUNT OF EACH DISPOSITION OF SURPLUS MONIES. FOR A POLITICAL COMMITTEE
3 THAT IS AN INDIVIDUAL'S EXPLORATORY COMMITTEE OR A CANDIDATE'S CAMPAIGN
4 COMMITTEE, THE COMMITTEE MAY TRANSFER THE COMMITTEE'S DEBTS AND
5 OBLIGATIONS TO A SUBSEQUENT COMMITTEE FOR THAT INDIVIDUAL OR CANDIDATE, AS
6 PRESCRIBED BY SECTION 16-915.01, AND IN THAT EVENT MAY TERMINATE WITHOUT
7 CERTIFYING THAT THE COMMITTEE HAS NO OUTSTANDING DEBTS OR OBLIGATIONS.

8 B. AFTER THE FILING OF AN APPROPRIATE TERMINATION STATEMENT, A
9 POLITICAL COMMITTEE IS NOT REQUIRED TO FILE ANY SUBSEQUENT CAMPAIGN
10 FINANCE REPORTS AND SHALL HAVE NO FURTHER RECEIPTS OR DISBURSEMENTS
11 WITHOUT FILING A NEW STATEMENT OF ORGANIZATION.

12 C. A POLITICAL COMMITTEE MAY TERMINATE ITS ACTIVITIES IN A
13 REPORTING JURISDICTION AND REMAIN ACTIVE IN OTHER JURISDICTIONS BY
14 ATTACHING A STATEMENT TO THE REPORTING JURISDICTION'S TERMINATION
15 STATEMENT THAT IS SIGNED BY THE COMMITTEE'S CHAIRMAN AND TREASURER, THAT
16 ATTESTS TO THE INTENT TO REMAIN ACTIVE IN OTHER JURISDICTIONS AND THAT
17 CONTAINS A STATEMENT THAT THE COMMITTEE'S REMAINING MONIES SHALL BE USED
18 FOR ACTIVITIES IN OTHER JURISDICTIONS.

19 16-914.01. Reporting of contributions by committees acting on
20 ballot measures; civil penalty; definition

21 A. IN ADDITION TO THE REQUIREMENTS RELATING TO ELECTION
22 CONTRIBUTIONS PRESCRIBED IN SECTION 16-913, A COMMITTEE ACTING IN SUPPORT
23 OF OR OPPOSITION TO THE QUALIFICATION, PASSAGE OR DEFEAT OF AN INITIATIVE
24 OR REFERENDUM OR ANY OTHER BALLOT MEASURE, QUESTION OR PROPOSITION OR IN
25 SUPPORT OF OR OPPOSITION TO A RECALL ELECTION SHALL GIVE NOTICE TO THE
26 SECRETARY OF STATE FOR STATEWIDE MEASURES AND THE LOCAL FILING OFFICER WHO
27 IS RESPONSIBLE FOR RECEIVING CAMPAIGN FINANCE REPORTS FOR FILING FOR
28 NONSTATEWIDE MEASURES OF ANY CONTRIBUTION OR GROUP OF CONTRIBUTIONS TO THE
29 COMMITTEE THAT IS MADE FROM A SINGLE SOURCE LESS THAN TWENTY DAYS BEFORE
30 THE DAY OF THE ELECTION IF IT EXCEEDS:

31 1. A CUMULATIVE TOTAL OF TEN THOUSAND DOLLARS FOR A STATEWIDE
32 BALLOT MEASURE, QUESTION OR PROPOSITION.

33 2. TWO THOUSAND FIVE HUNDRED DOLLARS FOR A NONSTATEWIDE BALLOT
34 MEASURE, QUESTION OR PROPOSITION IN A POLITICAL SUBDIVISION WITH A
35 POPULATION OF ONE HUNDRED THOUSAND OR MORE PERSONS.

36 3. FIVE HUNDRED DOLLARS FOR A NONSTATEWIDE BALLOT MEASURE, QUESTION
37 OR PROPOSITION IN A POLITICAL SUBDIVISION WITH A POPULATION OF LESS THAN
38 ONE HUNDRED THOUSAND PERSONS.

39 B. IN ADDITION TO THE REQUIREMENTS OF SECTION 16-913, A COMMITTEE
40 ACTING IN SUPPORT OF OR OPPOSITION TO THE QUALIFICATION, PASSAGE OR DEFEAT
41 OF AN INITIATIVE OR REFERENDUM OR ANY OTHER BALLOT MEASURE, QUESTION OR
42 PROPOSITION SHALL GIVE NOTICE TO THE SECRETARY OF STATE FOR STATEWIDE
43 MEASURES AND THE LOCAL FILING OFFICER WHO IS RESPONSIBLE FOR RECEIVING
44 CAMPAIGN FINANCE REPORTS FOR FILING FOR NONSTATEWIDE MEASURES THE FIRST
45 TIME EACH OF THE FOLLOWING OCCURS:

1 1. THE COMMITTEE HAS RECEIVED CONTRIBUTIONS TOTALING TEN THOUSAND
2 DOLLARS OR MORE.

3 2. THE COMMITTEE HAS MADE EXPENDITURES TOTALING TEN THOUSAND
4 DOLLARS OR MORE.

5 3. THE COMMITTEE HAS RECEIVED CONTRIBUTIONS TOTALING TEN THOUSAND
6 DOLLARS OR MORE FROM A SINGLE SOURCE.

7 4. THE COMMITTEE HAS RECEIVED CONTRIBUTIONS TOTALING TEN THOUSAND
8 DOLLARS OR MORE FROM DIFFERENT ADDITIONAL SINGLE SOURCES.

9 C. THE NOTICES PRESCRIBED BY THIS SECTION SHALL BE FILED WITHIN
10 TWENTY-FOUR HOURS, EXCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS,
11 AFTER THE TEN THOUSAND DOLLAR AMOUNT HAS BEEN REACHED AND SHALL INCLUDE
12 THE IDENTIFICATION OF THE CONTRIBUTORS, THE DATES OF RECEIPT AND THE
13 AMOUNTS OF THE CONTRIBUTIONS OR THE AMOUNT, RECIPIENT AND PURPOSE OF THE
14 EXPENDITURES. CONTRIBUTIONS SUBJECT TO THE NOTIFICATION REQUIREMENTS OF
15 THIS SECTION SHALL BE INCLUDED IN THE NEXT REPORT FILED PURSUANT TO
16 SECTION 16-913.

17 D. A POLITICAL COMMITTEE THAT VIOLATES THIS SECTION AND A PERSON
18 WHO KNOWINGLY VIOLATES THIS SECTION ARE LIABLE IN A CIVIL ACTION FOR A
19 CIVIL PENALTY OF UP TO THREE TIMES THE AMOUNT IMPROPERLY REPORTED AS
20 PRESCRIBED BY SECTION 16-924.

21 E. FOR THE PURPOSES OF THIS SECTION, "SINGLE SOURCE" INCLUDES
22 PRINCIPALS OF THE SAME PARTNERSHIP, CORPORATION, LIMITED PARTNERSHIP,
23 LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP OR ASSOCIATION.

24 16-914.02. Reporting independent expenditures of
25 corporations, limited liability companies and
26 labor organizations; statement; disclaimer and
27 disclosure; civil action; civil penalty;
28 violation; classification; definitions

29 A. ANY CORPORATION, LIMITED LIABILITY COMPANY OR LABOR ORGANIZATION
30 THAT MAKES CUMULATIVE INDEPENDENT EXPENDITURES IN AN ATTEMPT TO INFLUENCE
31 THE OUTCOME OF A CANDIDATE ELECTION AND IN AT LEAST THE FOLLOWING AMOUNTS
32 IN AN ELECTION CYCLE SHALL REGISTER AND NOTIFY THE APPROPRIATE FILING
33 OFFICER NOT LATER THAN ONE DAY AFTER MAKING THAT EXPENDITURE, EXCLUDING
34 SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS:

35 1. AN AGGREGATE OF FIVE THOUSAND DOLLARS OR MORE IN ONE OR MORE
36 STATEWIDE RACES.

37 2. AN AGGREGATE OF TWO THOUSAND FIVE HUNDRED DOLLARS OR MORE IN ONE
38 OR MORE LEGISLATIVE RACES.

39 3. ONE THOUSAND DOLLARS OR MORE IN ONE OR MORE COUNTY, CITY, TOWN
40 OR OTHER LOCAL RACES IF THE ONE THOUSAND DOLLARS IS AGGREGATED IN RACES IN
41 A SINGLE COUNTY, CITY, TOWN OR OTHER LOCAL JURISDICTION.

42 B. THE SECRETARY OF STATE IS THE FILING OFFICER FOR REGISTRATIONS
43 AND NOTIFICATIONS FOR INDEPENDENT EXPENDITURES IN STATEWIDE AND
44 LEGISLATIVE ELECTIONS. CITY, TOWN OR COUNTY FILING OFFICERS ARE THE
45 FILING OFFICERS FOR NOTIFICATIONS IN A CITY, TOWN, COUNTY OR OTHER LOCAL

1 ELECTION AS PROVIDED IN SECTION 16-916. THE CORPORATION, LIMITED
2 LIABILITY COMPANY OR LABOR ORGANIZATION ALSO SHALL NOTIFY THE FILING
3 OFFICER WITHIN THE SAME TIME LIMIT PRESCRIBED IN SUBSECTION A OF THIS
4 SECTION OF EACH ADDITIONAL ACCUMULATION OF EXPENDITURES THAT EXCEEDS THE
5 THRESHOLD AMOUNT PRESCRIBED IN SUBSECTION A OF THIS SECTION BUT IS NOT
6 REQUIRED TO REGISTER AGAIN DURING THAT ELECTION CYCLE AFTER THE INITIAL
7 REGISTRATION. A CORPORATION, LIMITED LIABILITY COMPANY OR LABOR
8 ORGANIZATION MAY REGISTER WITH THE FILING OFFICER AND PROVIDE A NOTARIZED,
9 SWORN STATEMENT OF AUTHORITY IN ADVANCE OF THE EXPENDITURE IN ANTICIPATION
10 OF MAKING AN INDEPENDENT EXPENDITURE. THE SECRETARY OF STATE SHALL
11 PROVIDE FOR ELECTRONIC FILING FOR REGISTRATIONS AND NOTIFICATIONS AND
12 SHALL PROVIDE FOR WEBSITE ACCESS TO THE INFORMATION FOR THE
13 PUBLIC. FILINGS AT THE SECRETARY OF STATE'S OFFICE SHALL BE IN THE FORM
14 PRESCRIBED BY THE SECRETARY OF STATE. OTHER FILING OFFICERS SHALL
15 PRESCRIBE THE FORMAT FOR FILING REGISTRATIONS AND NOTIFICATIONS AND SHALL
16 PROVIDE FOR PUBLIC ACCESS TO THAT INFORMATION. AT THE REQUEST OF THE
17 LOCAL ELECTION FILING OFFICER, THE SECRETARY OF STATE MAY PROVIDE FOR
18 ELECTRONIC FILING PURSUANT TO THIS SECTION FOR LOCAL ELECTIONS.

19 C. THE REGISTRATION SHALL INCLUDE ALL OF THE FOLLOWING:

20 1. THE NAME AND ADDRESS OF THE CORPORATION, LIMITED LIABILITY
21 COMPANY OR LABOR ORGANIZATION.

22 2. THE NAME, TITLE, ELECTRONIC MAIL ADDRESS AND TELEPHONE NUMBER OF
23 THE PERSON AUTHORIZING THE INDEPENDENT EXPENDITURE.

24 D. EACH NOTIFICATION SHALL INCLUDE ALL OF THE FOLLOWING:

25 1. THE NAME AND ADDRESS OF THE CORPORATION, LIMITED LIABILITY
26 COMPANY OR LABOR ORGANIZATION MAKING THE INDEPENDENT EXPENDITURE.

27 2. THE AMOUNT OF THE EXPENDITURE AND THE NAME OF THE VENDOR OR
28 OTHER PAYEE RECEIVING THE EXPENDITURE.

29 3. THE NAME OF THE CANDIDATE AND RACE IN WHICH THE EXPENDITURE WAS
30 MADE AND WHETHER THE EXPENDITURE WAS IN SUPPORT OF OR OPPOSITION TO THE
31 CANDIDATE.

32 4. THE COMMUNICATION MEDIUM AND DESCRIPTION OF WHAT WAS PURCHASED
33 WITH THE EXPENDITURE.

34 5. THE DATE OF THE EXPENDITURE.

35 E. IF THE CORPORATION, LIMITED LIABILITY COMPANY OR LABOR
36 ORGANIZATION DID NOT REGISTER AND PROVIDE A NOTARIZED SWORN STATEMENT IN
37 ADVANCE OF THE EXPENDITURE AS PRESCRIBED BY THIS SECTION, THE CORPORATION,
38 LIMITED LIABILITY COMPANY OR LABOR ORGANIZATION SHALL FILE WITH THE
39 SECRETARY OF STATE OR OTHER APPROPRIATE FILING OFFICER WITHIN FIVE DAYS
40 AFTER AN INITIAL THRESHOLD EXPENDITURE AS PRESCRIBED IN SUBSECTION A OF
41 THIS SECTION A NOTARIZED SWORN STATEMENT THAT THE PERSON, AGENT OR OFFICER
42 FILING THE REGISTRATION AND NOTICE HAD AUTHORITY TO MAKE THAT EXPENDITURE
43 ON BEHALF OF THE CORPORATION, LIMITED LIABILITY COMPANY OR LABOR
44 ORGANIZATION. UNTIL THE SECRETARY OF STATE OR OTHER FILING OFFICER
45 RECEIVES THE NOTARIZED SWORN STATEMENT, THE FILING OFFICER SHALL

1 CATEGORIZE THE NOTIFICATION AS UNVERIFIED. IF THE SECRETARY OF STATE OR
2 OTHER FILING OFFICER DOES NOT RECEIVE THE NOTARIZED SWORN STATEMENT WITHIN
3 THE REQUIRED FIVE DAY TIME FRAME, THE NOTIFICATION SHALL BE CATEGORIZED AS
4 BOTH UNVERIFIED AND DELINQUENT. THE FILING OFFICER SHALL MAKE REASONABLE
5 EFFORTS TO CONTACT THE ENTITY THAT MADE THE EXPENDITURE AND REMOVE THE
6 NOTIFICATION FROM PUBLIC VIEW WITHIN A REASONABLE TIME IF UNABLE TO VERIFY
7 THAT THE ENTITY MADE THE EXPENDITURE AND ALL PENALTIES PRESCRIBED IN THIS
8 SECTION APPLY.

9 F. ANY LITERATURE OR ADVERTISEMENT THAT IS PURCHASED WITH MONIES
10 FROM A CORPORATION, LIMITED LIABILITY COMPANY OR LABOR ORGANIZATION MAKING
11 AN INDEPENDENT EXPENDITURE IN AN ATTEMPT TO INFLUENCE THE OUTCOME OF A
12 CANDIDATE ELECTION SHALL DISCLOSE THE NAME OF THE CORPORATION, LIMITED
13 LIABILITY COMPANY OR LABOR ORGANIZATION MAKING THE EXPENDITURE. ANY
14 DISCLOSURE STATEMENT REQUIRED BY THIS SECTION SHALL BE PRINTED CLEARLY AND
15 LEGIBLY IN A CONSPICUOUS MANNER. IF THE COMMUNICATION IS BROADCAST ON
16 RADIO, THE INFORMATION SHALL BE SPOKEN AT THE END OF THE COMMUNICATION.
17 IF THE COMMUNICATION IS BROADCAST ON A TELECOMMUNICATIONS SYSTEM, THE
18 INFORMATION SHALL BE BOTH WRITTEN AND SPOKEN AT THE END OF THE
19 COMMUNICATION, EXCEPT THAT IF THE DISCLOSURE STATEMENT IS WRITTEN FOR AT
20 LEAST FIVE SECONDS OF A THIRTY SECOND ADVERTISEMENT BROADCAST OR TEN
21 SECONDS OF A SIXTY SECOND ADVERTISEMENT BROADCAST, A SPOKEN DISCLOSURE
22 STATEMENT IS NOT REQUIRED. IF THE COMMUNICATION IS BROADCAST ON A
23 TELECOMMUNICATIONS SYSTEM, THE WRITTEN DISCLOSURE STATEMENT SHALL BE
24 PRINTED IN LETTERS EQUAL TO OR LARGER THAN FOUR PERCENT OF THE VERTICAL
25 PICTURE HEIGHT. THE LITERATURE OR ADVERTISEMENT SHALL INCLUDE THE WORDS
26 "PAID FOR BY" IN THE DISCLOSURE FOLLOWED BY THE NAME OF THE ENTITY MAKING
27 THE EXPENDITURE AND SHALL ALSO STATE THAT IT IS NOT AUTHORIZED BY ANY
28 CANDIDATE OR CANDIDATE'S CAMPAIGN COMMITTEE.

29 G. SUBSECTION F OF THIS SECTION DOES NOT APPLY TO BUMPER STICKERS,
30 PINS, BUTTONS, PENS AND SIMILAR SMALL ITEMS ON WHICH THE STATEMENTS
31 REQUIRED IN SUBSECTION F OF THIS SECTION CANNOT BE CONVENIENTLY PRINTED OR
32 TO A COMMUNICATION BY AN ORGANIZATION SOLELY TO ITS MEMBERS.

33 H. ANY CORPORATION, LIMITED LIABILITY COMPANY OR LABOR ORGANIZATION
34 THAT FAILS TO REGISTER, NOTIFY OR DISCLOSE AS REQUIRED BY THIS SECTION IS
35 LIABLE IN A CIVIL ACTION PURSUANT TO SECTION 16-924 BROUGHT BY THE
36 ATTORNEY GENERAL, COUNTY ATTORNEY OR CITY OR TOWN ATTORNEY, AS
37 APPROPRIATE, FOR A CIVIL PENALTY OF UP TO THREE TIMES THE TOTAL AMOUNT OF
38 THE EXPENDITURE.

39 I. ANY PERSON WHO MAKES A KNOWINGLY FALSE FILING RELATING TO AN
40 INDEPENDENT EXPENDITURE PURSUANT TO THIS SECTION IS GUILTY OF A CLASS 1
41 MISDEMEANOR.

42 J. FOR VIOLATIONS THAT OCCUR BEFORE NOVEMBER 27, 2012, A REASONABLE
43 CAUSE DETERMINATION FOR A VIOLATION OF THIS SECTION MAY BE MADE ONLY BY
44 THE SECRETARY OF STATE'S OFFICE AND NOT BY ANY OTHER FILING OFFICER. ON
45 OR AFTER NOVEMBER 27, 2012, THE LOCAL ELECTION JURISDICTION AND FILING

1 OFFICERS MAY MAKE THEIR OWN REASONABLE CAUSE DETERMINATIONS FOR VIOLATIONS
2 OF THIS SECTION OR MAY ELECT TO CONTINUE TO HAVE THE OFFICE OF THE
3 SECRETARY OF STATE MAKE THOSE REASONABLE CAUSE DETERMINATIONS ON THEIR
4 BEHALF. A CIVIL OR CRIMINAL ENFORCEMENT ACTION MAY NOT BE FILED UNTIL
5 AFTER THE ISSUANCE OF A REASONABLE CAUSE DETERMINATION.

6 K. ANY ENTITY THAT MAKES AN INDEPENDENT EXPENDITURE AND THAT IS
7 ORGANIZED PRIMARILY FOR THE PURPOSE OF INFLUENCING AN ELECTION AND THAT IS
8 A COMBINATION OF CORPORATIONS, LIMITED LIABILITY COMPANIES OR LABOR
9 ORGANIZATIONS OR THAT IS A CORPORATION, LIMITED LIABILITY COMPANY OR LABOR
10 ORGANIZATION THAT ACCEPTS DONATIONS OR CONTRIBUTIONS SHALL FILE WITH THE
11 FILING OFFICER AS A POLITICAL COMMITTEE AS OTHERWISE PROVIDED BY LAW.

12 L. FOR THE PURPOSES OF THIS SECTION, AN EXPENDITURE OCCURS ON THE
13 DATE ON WHICH LITERATURE OR ADVERTISEMENTS ARE DEPOSITED AT THE POST
14 OFFICE FOR MAILING, SUBMITTED TO A COMMUNICATIONS SYSTEM FOR BROADCAST OR
15 SUBMITTED TO A NEWSPAPER OR SIMILAR PRINT MEDIUM FOR PRINTING AND, WITH
16 RESPECT TO AN EXPENDITURE FOR SIGNS, THE DATE ON WHICH A SIGN IS FIRST
17 POSTED.

18 M. FOR THE PURPOSES OF THIS SECTION:

19 1. "INDEPENDENT EXPENDITURE" HAS THE SAME MEANING PRESCRIBED IN
20 SECTION 16-901, EXCEPT THAT IT IS MADE BY A CORPORATION, A LIMITED
21 LIABILITY COMPANY OR A LABOR ORGANIZATION AND EXCEPT AS PRESCRIBED IN
22 SUBSECTION L OF THIS SECTION.

23 2. "LOCAL ELECTION" MEANS AN ELECTION IN A COUNTY, CITY, TOWN,
24 SCHOOL DISTRICT OR SPECIAL DISTRICT.

25 16-915. Contents of campaign finance reports

26 A. EACH CAMPAIGN FINANCE REPORT REQUIRED BY SECTION 16-913 SHALL
27 SET FORTH ALL OF THE FOLLOWING:

28 1. THE AMOUNT OF CASH ON HAND AT THE BEGINNING OF THE REPORTING
29 PERIOD.

30 2. FOR THE REPORTING PERIOD AND THE ELECTION, THE TOTAL AMOUNT OF
31 ALL RECEIPTS AND AN ITEMIZED LIST OF ALL RECEIPTS IN THE FOLLOWING
32 CATEGORIES, TOGETHER WITH THE TOTAL OF ALL RECEIPTS IN EACH CATEGORY:

33 (a) CONTRIBUTIONS FROM INDIVIDUALS.

34 (b) CONTRIBUTIONS FROM POLITICAL COMMITTEES.

35 (c) FOR A CANDIDATE'S CAMPAIGN COMMITTEE, THE CANDIDATE'S
36 CONTRIBUTION OR PROMISE OF PERSONAL MONIES, INCLUDING LOANS GUARANTEED BY
37 THE CANDIDATE.

38 (d) ALL OTHER LOANS.

39 (e) REBATES, REFUNDS AND OTHER OFFSETS TO OPERATING EXPENDITURES.

40 (f) DIVIDENDS, INTEREST AND OTHER FORMS OF RECEIPTS.

41 (g) THE VALUE OF IN-KIND CONTRIBUTIONS.

42 3. THE IDENTIFICATION OF EACH:

43 (a) INDIVIDUAL WHO MAKES ANY CONTRIBUTION DURING THE PERIOD COVERED
44 BY THE REPORT AND WHOSE TOTAL CONTRIBUTION OR CONTRIBUTIONS FOR THAT
45 ELECTION HAVE AN AGGREGATE AMOUNT EXCEEDING FIFTY DOLLARS TOGETHER WITH

1 THE DATE AND AMOUNT OF THE CONTRIBUTIONS, EXCEPT AS PROVIDED IN SUBSECTION
2 E OF THIS SECTION. CONTRIBUTIONS OF FIFTY DOLLARS OR LESS MAY BE
3 AGGREGATED.

4 (b) POLITICAL COMMITTEE THAT MAKES A CONTRIBUTION DURING THE PERIOD
5 COVERED BY THE REPORT TOGETHER WITH THE DATE AND AMOUNT OF THE
6 CONTRIBUTION.

7 (c) PERSON WHO MAKES A LOAN DURING THE PERIOD COVERED BY THE
8 REPORT, TOGETHER WITH THE IDENTIFICATION OF ANY ENDORSER OR GUARANTOR OF
9 THE LOAN AND THE AMOUNT ENDORSED OR GUARANTEED BY EACH, AND THE DATE AND
10 AMOUNT OF THE LOAN.

11 (d) PERSON WHO PROVIDES ANY REBATE, REFUND OR OTHER OFFSET TO
12 OPERATING EXPENDITURES DURING THE PERIOD COVERED BY THE REPORT TOGETHER
13 WITH THE DATE AND AMOUNT OF THE RECEIPT.

14 (e) PERSON WHO PROVIDES A DIVIDEND, INTEREST OR OTHER RECEIPT
15 DURING THE PERIOD COVERED BY THE REPORT TOGETHER WITH THE DATE AND AMOUNT
16 OF THE RECEIPT.

17 4. FOR THE REPORTING PERIOD AND THE ELECTION, THE TOTAL AMOUNT OF
18 ALL DISBURSEMENTS AND AN ITEMIZED LIST OF ALL DISBURSEMENTS IN THE
19 FOLLOWING CATEGORIES TOGETHER WITH THE TOTAL OF ALL DISBURSEMENTS IN EACH
20 CATEGORY:

21 (a) EXPENDITURES, OTHER THAN A CONTRACT, PROMISE OR AGREEMENT TO
22 MAKE AN EXPENDITURE RESULTING IN AN EXTENSION OF CREDIT, MADE TO MEET
23 COMMITTEE OPERATING EXPENSES.

24 (b) TRANSFERS TO OTHER POLITICAL COMMITTEES.

25 (c) FOR A CANDIDATE'S CAMPAIGN COMMITTEE, THE REPAYMENT OF LOANS
26 MADE OR GUARANTEED BY THE CANDIDATE.

27 (d) REPAYMENT OF ALL OTHER LOANS.

28 (e) REFUNDS OF CONTRIBUTIONS RECEIVED AND OTHER OFFSETS TO
29 CONTRIBUTIONS.

30 (f) LOANS MADE BY THE REPORTING POLITICAL COMMITTEE.

31 (g) THE VALUE OF IN-KIND CONTRIBUTIONS RECEIVED.

32 (h) INDEPENDENT EXPENDITURES TOGETHER WITH THE INFORMATION REQUIRED
33 PURSUANT TO SUBSECTION F OF THIS SECTION.

34 (i) ANY OTHER DISBURSEMENTS.

35 5. THE NAME AND ADDRESS OF EACH RECIPIENT OF AN EXPENDITURE MADE
36 DURING THE PERIOD COVERED BY THE REPORT AND, IN THE CASE OF A DISBURSEMENT
37 TO A POLITICAL COMMITTEE, THE IDENTIFICATION NUMBER ISSUED ON THE FILING
38 OF A STATEMENT OF ORGANIZATION AS PRESCRIBED BY SECTION 16-902.01,
39 TOGETHER WITH THE DATE, THE AMOUNT OF THE EXPENDITURE AND A CLEAR
40 DESCRIPTION OF THE ITEMS OR SERVICES PURCHASED.

41 6. AN ITEMIZED ACCOUNT OF THE CAMPAIGN DEBTS AND EXTENSIONS OF
42 CREDIT THAT ARE OWED BY THE CANDIDATE OR POLITICAL COMMITTEE AND THAT
43 REMAIN OUTSTANDING INCLUDING THE NAME AND ADDRESS OF THE OBLIGEE OR
44 CREDITOR, THE AMOUNT OWED, WHETHER THE AMOUNT IS CERTAIN OR ESTIMATED AND
45 ON WHAT BASIS, AND THE PURPOSE OF THE OBLIGATION. AN OBLIGATION THAT IS

1 ITEMIZED ON A CAMPAIGN FINANCE REPORT SHALL BE LISTED ON ALL SUBSEQUENT
2 FINANCE REPORTS UNTIL EXTINGUISHED.

3 7. THE TOTAL SUM OF ALL RECEIPTS, TOGETHER WITH THE TOTAL RECEIPTS
4 LESS OFFSETS, AND THE TOTAL SUM OF ALL DISBURSEMENTS, TOGETHER WITH THE
5 TOTAL DISBURSEMENTS LESS OFFSETS, FOR BOTH THE PERIOD COVERED BY THE
6 REPORT AND THE ELECTION.

7 B. THE AMOUNT OF AN IN-KIND CONTRIBUTION SHALL BE EQUAL TO THE
8 USUAL AND NORMAL VALUE ON THE DATE RECEIVED BY THE POLITICAL COMMITTEE AS
9 DETERMINED BY GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

10 C. CAMPAIGN FINANCE REPORTS SHALL BE CUMULATIVE FOR THE ELECTION TO
11 WHICH THEY RELATE, BUT IF THERE HAS BEEN NO CHANGE DURING THE PERIOD
12 COVERED BY A REPORT IN AN ITEM LISTED IN A PREVIOUS REPORT FOR THAT
13 ELECTION, ONLY THE AMOUNT NEED BE CARRIED FORWARD.

14 D. A CANDIDATE'S CAMPAIGN COMMITTEE OR A POLITICAL COMMITTEE THAT
15 MAKES CONTRIBUTIONS TO CANDIDATES AND THAT HAS RECEIVED PRIOR
16 CONTRIBUTIONS FROM AN INDIVIDUAL OR A POLITICAL COMMITTEE FOR AN ELECTION
17 SHALL SHOW IN EACH REPORT FOR THAT ELECTION THE CUMULATIVE TOTAL RECEIVED
18 FROM THAT SOURCE.

19 E. IN THE CASE OF A POLITICAL COMMITTEE THAT RECEIVES CONTRIBUTIONS
20 THROUGH A PAYROLL DEDUCTION PLAN, THAT COMMITTEE IS NOT REQUIRED TO
21 SEPARATELY ITEMIZE EACH ADDITIONAL CONTRIBUTION RECEIVED FROM THE
22 CONTRIBUTOR DURING THE REPORTING PERIOD. IN LIEU OF THE SEPARATE
23 ITEMIZATION REQUIRED BY SUBSECTION A, PARAGRAPH 2 OF THIS SECTION, THE
24 COMMITTEE MAY REPORT ALL OF THE FOLLOWING:

25 1. THE AGGREGATE AMOUNT OF CONTRIBUTIONS RECEIVED FROM THE
26 CONTRIBUTOR THROUGH THE PAYROLL DEDUCTION PLAN DURING THE REPORTING
27 PERIOD.

28 2. THE IDENTIFICATION OF THE INDIVIDUAL.

29 3. A STATEMENT OF THE AMOUNT DEDUCTED PER PAY PERIOD.

30 F. AN INDEPENDENT EXPENDITURE REPORT SHALL CONTAIN ALL OF THE
31 FOLLOWING:

32 1. THE NAME AND ADDRESS OF ANY PERSON TO WHOM AN INDEPENDENT
33 EXPENDITURE WAS MADE.

34 2. THE DATE AND AMOUNT OF THE INDEPENDENT EXPENDITURE.

35 3. THE PURPOSE OF THE INDEPENDENT EXPENDITURE INCLUDING A
36 DESCRIPTION OF WHAT WAS PURCHASED.

37 4. THE NAME OF EACH CANDIDATE WHOSE ELECTION OR DEFEAT WAS
38 ADVOCATED BY THE EXPENDITURE AND, FOR EACH SUCH CANDIDATE, THE OFFICE
39 SOUGHT BY THE CANDIDATE AND THE YEAR OF THE ELECTION.

40 5. THE NAMES, OCCUPATIONS, EMPLOYERS AND AMOUNT CONTRIBUTED BY EACH
41 OF THE THREE CONTRIBUTORS THAT CONTRIBUTED THE MOST MONEY WITHIN THE
42 PRECEDING SIX MONTHS PROVIDED THAT IF ANY OTHER CONTRIBUTOR CONTRIBUTED
43 THE SAME AMOUNT DURING THIS TIME PERIOD AS ANY OF THE TOP THREE
44 CONTRIBUTORS THE INFORMATION SHALL BE PROVIDED FOR THAT CONTRIBUTOR AS
45 WELL. IF ANY OF THESE CONTRIBUTORS IS A POLITICAL COMMITTEE, THE REPORT

1 SHALL INCLUDE THE NAMES, OCCUPATIONS AND EMPLOYERS OF THE COMMITTEE'S
2 CHAIRMAN AND TREASURER.

3 6. UNDER PENALTY OF PERJURY, A CERTIFICATION STATING WHETHER OR NOT
4 THE CLAIMED INDEPENDENT EXPENDITURE IS MADE IN COOPERATION, CONSULTATION
5 OR CONCERT WITH OR AT THE REQUEST OR SUGGESTION OF ANY CANDIDATE OR ANY
6 CAMPAIGN COMMITTEE OR AGENT OF THAT CANDIDATE.

7 16-915.01. Disposal of surplus monies: transfer of debt

8 A. A POLITICAL COMMITTEE SHALL DISPOSE OF SURPLUS MONIES ONLY AS
9 FOLLOWS:

10 1. RETAIN SURPLUS MONIES FOR USE IN A SUBSEQUENT ELECTION, WHICH
11 INCLUDES A TRANSFER BY AN INDIVIDUAL'S EXPLORATORY COMMITTEE OR A
12 CANDIDATE'S CAMPAIGN COMMITTEE TO THAT INDIVIDUAL'S SUBSEQUENT EXPLORATORY
13 COMMITTEE OR THAT CANDIDATE'S CAMPAIGN COMMITTEE DESIGNATED FOR A
14 SUBSEQUENT ELECTION.

15 2. RETURN SURPLUS MONIES TO THE CONTRIBUTOR TO THE EXTENT RECORDS
16 ARE AVAILABLE PERMITTING SUCH RETURN.

17 3. CONTRIBUTE SURPLUS MONIES TO THE COUNTY, STATE OR LOCAL
18 COMMITTEE OF A POLITICAL PARTY.

19 4. DONATE THE SURPLUS MONIES TO A CHARITABLE ORGANIZATION THAT
20 QUALIFIES UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE
21 CODE.

22 5. IN THE CASE OF A POLITICAL COMMITTEE OTHER THAN AN INDIVIDUAL'S
23 EXPLORATORY COMMITTEE OR A CANDIDATE'S COMMITTEE, CONTRIBUTE SURPLUS
24 MONIES TO A CANDIDATE'S CAMPAIGN COMMITTEE IF THE CONTRIBUTION IS WITHIN
25 THE LIMITATIONS OF SECTION 16-905.

26 6. DONATE SURPLUS MONIES TO A POLITICAL COMMITTEE OTHER THAN AN
27 INDIVIDUAL'S EXPLORATORY COMMITTEE OR TO A CANDIDATE'S CAMPAIGN COMMITTEE.

28 7. SUBJECT TO THE RESTRICTIONS IN SECTION 41-133, CONTRIBUTE
29 SURPLUS MONIES TO THE INDIVIDUAL'S OFFICEHOLDER EXPENSE ACCOUNT.

30 8. DISPOSE OF THE SURPLUS MONIES IN ANY OTHER LAWFUL MANNER.

31 B. SURPLUS MONIES SHALL NOT BE USED FOR OR CONVERTED TO THE
32 PERSONAL USE OF THE DESIGNATING INDIVIDUAL, IN THE CASE OF AN INDIVIDUAL'S
33 EXPLORATORY COMMITTEE, OR A CANDIDATE, IN THE CASE OF A CANDIDATE'S
34 CAMPAIGN COMMITTEE, OR ANY PERSON RELATED TO THE CANDIDATE BY BLOOD OR
35 MARRIAGE. THIS SUBSECTION DOES NOT PRECLUDE THE REPAYMENT OF A LOAN MADE
36 BY THE DESIGNATING INDIVIDUAL OR CANDIDATE TO HIS CAMPAIGN.

37 C. AN INDIVIDUAL'S EXPLORATORY COMMITTEE OR A CANDIDATE'S CAMPAIGN
38 COMMITTEE MAY TRANSFER ITS DEBTS AND OBLIGATIONS TO THAT INDIVIDUAL'S
39 SUBSEQUENT EXPLORATORY COMMITTEE OR THAT CANDIDATE'S CAMPAIGN COMMITTEE
40 DESIGNATED FOR A SUBSEQUENT ELECTION.

41 16-916. Filing statements of contributions and expenditures;
42 public inspection

43 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, THE
44 STATEMENTS, DESIGNATIONS AND REPORTS REQUIRED TO BE FILED PURSUANT TO THIS
45 ARTICLE SHALL BE FILED AS FOLLOWS:

1 1. IN THE OFFICE OF THE SECRETARY OF STATE FOR POLITICAL COMMITTEES
2 SUPPORTING OR OPPOSING THE RECALL OF A PUBLIC OFFICER ELECTED STATEWIDE OR
3 TO THE LEGISLATURE, SUPPORTING THE CIRCULATION OF PETITIONS FOR BALLOT
4 MEASURES, QUESTIONS AND PROPOSITIONS APPEARING ON A STATE GENERAL ELECTION
5 BALLOT OR RECALL OF PUBLIC OFFICIALS ELECTED STATEWIDE OR TO THE
6 LEGISLATURE OR SUPPORTING OR OPPOSING CANDIDATES FOR STATE OFFICES AND
7 MEMBERS OF THE LEGISLATURE, FOR JUSTICES OF THE SUPREME COURT, FOR JUDGES
8 OF THE COURT OF APPEALS AND FOR A STATEWIDE INITIATIVE OR REFERENDUM OR
9 ANY MEASURE OR PROPOSITION APPEARING ON A STATE GENERAL ELECTION BALLOT.
10 THE OFFICE OF THE SECRETARY OF STATE SHALL POST TO ITS WEBSITE IN A FORMAT
11 THAT IS VIEWABLE BY THE PUBLIC THE CAMPAIGN FINANCE INFORMATION PRESCRIBED
12 BY THIS SECTION.

13 2. WITH THE COUNTY OFFICER IN CHARGE OF ELECTIONS FOR POLITICAL
14 COMMITTEES SUPPORTING OR OPPOSING THE RECALL OF PUBLIC OFFICERS ELECTED TO
15 COUNTY OFFICES, SCHOOL DISTRICT GOVERNING BOARDS, COMMUNITY COLLEGE
16 DISTRICT GOVERNING BOARDS OR JUDGES OF THE SUPERIOR COURT, SUPPORTING THE
17 CIRCULATION OF PETITIONS FOR BALLOT MEASURES, QUESTIONS AND PROPOSITIONS
18 APPEARING ON A COUNTY ELECTION BALLOT OR FOR THE RECALL OF A PUBLIC
19 OFFICER ELECTED TO COUNTY OFFICES, SCHOOL DISTRICT GOVERNING BOARDS,
20 COMMUNITY COLLEGE DISTRICT GOVERNING BOARDS OR JUDGES OF THE SUPERIOR
21 COURT OR SUPPORTING OR OPPOSING CANDIDATES FOR COUNTY OFFICES, SCHOOL
22 DISTRICT GOVERNING BOARD MEMBERS OR BALLOT QUESTIONS, COMMUNITY COLLEGE
23 DISTRICT GOVERNING BOARD MEMBERS OR BALLOT QUESTIONS, JUDGES OF THE
24 SUPERIOR COURT SEEKING RETENTION, SPECIAL TAXING DISTRICTS AND A COUNTY
25 INITIATIVE OR REFERENDUM OR ANY MEASURE OR PROPOSITION APPEARING ON A
26 COUNTY ELECTION BALLOT. FOR ANY COUNTY WITH A POPULATION OF MORE THAN ONE
27 HUNDRED THOUSAND PERSONS THAT OPERATES A WEBSITE, THE COUNTY OFFICER IN
28 CHARGE OF ELECTIONS SHALL POST TO THAT WEBSITE IN A FORMAT THAT IS
29 VIEWABLE BY THE PUBLIC THE CAMPAIGN FINANCE INFORMATION PRESCRIBED BY THIS
30 SECTION, WHICH SHALL INCLUDE THE NAMES OF CANDIDATES WHO HAVE FILED AN
31 EXEMPTION STATEMENT PURSUANT TO SECTION 16-902.01, SUBSECTION B WITH THAT
32 FILING OFFICER.

33 3. WITH THE CITY OR TOWN CLERK FOR POLITICAL COMMITTEES SUPPORTING
34 OR OPPOSING THE RECALL OF PUBLIC OFFICERS ELECTED TO CITY OR TOWN OFFICES,
35 SUPPORTING THE CIRCULATION OF PETITIONS FOR BALLOT MEASURES, QUESTIONS AND
36 PROPOSITIONS APPEARING ON A CITY OR TOWN ELECTION BALLOT OR RECALL OF
37 PUBLIC OFFICERS ELECTED FOR CITY OR TOWN OFFICES OR SUPPORTING OR OPPOSING
38 CANDIDATES FOR CITY OR TOWN OFFICES AND FOR A CITY OR TOWN INITIATIVE OR
39 REFERENDUM OR ANY MEASURE OR PROPOSITION APPEARING ON A CITY OR TOWN
40 ELECTION BALLOT. FOR ANY CITY OR TOWN WITH A POPULATION OF MORE THAN TWO
41 THOUSAND FIVE HUNDRED PERSONS THAT OPERATES A WEBSITE, THE CITY OR TOWN
42 SHALL POST TO THAT WEBSITE IN A FORMAT THAT IS VIEWABLE BY THE PUBLIC THE
43 CAMPAIGN FINANCE INFORMATION PRESCRIBED BY THIS SECTION, WHICH SHALL
44 INCLUDE THE NAMES OF CANDIDATES WHO HAVE FILED AN EXEMPTION STATEMENT
45 PURSUANT TO SECTION 16-902.01, SUBSECTION B. FOR A CITY OR TOWN WITHOUT A

1 WEBSITE, THE INFORMATION SHALL BE POSTED ON THE WEBSITE OPERATED BY AN
2 ASSOCIATION OF CITIES AND TOWNS IN THIS STATE.

3 B. CAMPAIGN FINANCE REPORTS REQUIRED PURSUANT TO SECTION 16-913 FOR
4 THE OFFICE OF MEMBER OF THE LEGISLATURE AND STATEWIDE OFFICES SHALL BE
5 FILED WITH THE SECRETARY OF STATE IN THE MANNER PRESCRIBED BY THE
6 SECRETARY OF STATE. THE SECRETARY OF STATE MAY PROVIDE THROUGH THE
7 PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452 FOR AN ALTERNATIVE
8 METHOD FOR PROVIDING PUBLIC ACCESS TO THE REPORTS PRESCRIBED BY THIS
9 SECTION.

10 C. FOR ALL STATEMENTS, DESIGNATIONS AND REPORTS, THE DATE OF FILING
11 IS THE DATE OF ACTUAL RECEIPT BY THE OFFICER WITH WHOM THE DOCUMENT IS
12 REQUIRED TO BE FILED EXCEPT AS FOLLOWS:

13 1. FOR DOCUMENTS FILED BY CERTIFIED MAIL WITH A UNITED STATES MAIL
14 POSTMARK, THE DATE OF MAILING CONSTITUTES THE DATE OF FILING.

15 2. FOR DOCUMENTS FILED BY COMMERCIAL DELIVERY SERVICES THAT PROVIDE
16 A STANDARDIZED DELIVERY CONFIRMATION PROCESS, THE DATE OF DELIVERY
17 CONFIRMATION CONSTITUTES THE DATE OF FILING.

18 3. FOR DOCUMENTS FILED BY COMMERCIAL DELIVERY SERVICES THAT PROVIDE
19 FOR ELECTRONIC TRACKING OF SPECIFIC DELIVERY PACKAGES, THE DATE OF
20 ELECTRONIC CONFIRMATION OF DELIVERY CONSTITUTES THE DATE OF FILING.

21 D. IF THE DATE FOR FILING ANY STATEMENT, DESIGNATION OR REPORT
22 REQUIRED BY THIS ARTICLE IS A SATURDAY, A SUNDAY OR ANOTHER LEGAL HOLIDAY,
23 THE FILING DEADLINE IS THE NEXT DAY THAT IS NOT A SATURDAY, A SUNDAY OR
24 ANOTHER LEGAL HOLIDAY.

25 16-916.01. Electronic filing; statements of contributions and
26 expenditures

27 A. STATEMENTS, DESIGNATIONS AND REPORTS THAT ARE FILED PURSUANT TO
28 THIS ARTICLE IN THE OFFICE OF THE SECRETARY OF STATE IN ELECTRONIC FORMAT
29 SHALL BE FILED USING COMPUTER PROGRAMS THAT ARE PROVIDED OR APPROVED BY
30 THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL PROVIDE COMPUTER
31 PROGRAMS TO ACCOMMODATE ELECTRONIC FILINGS AND SHALL IMPLEMENT AND
32 MAINTAIN A SYSTEM FOR THE ELECTRONIC COLLECTION, FILING AND DISSEMINATION
33 OF MATERIALS FILED PURSUANT TO SECTION 16-916, SUBSECTION A, PARAGRAPH 1.
34 A COUNTY OFFICER IN CHARGE OF ELECTIONS MAY IMPLEMENT AN ELECTRONIC FILING
35 SYSTEM FOR STATEMENTS, DESIGNATIONS AND REPORTS THAT ARE REQUIRED BY THIS
36 ARTICLE TO BE FILED WITH THE COUNTY OFFICER IN CHARGE OF ELECTIONS.
37 SUBSECTIONS B THROUGH F OF THIS SECTION APPLY TO AN ELECTRONIC FILING
38 PROGRAM OPERATED BY A COUNTY.

39 B. IF THE FILINGS ARE COMPLETE AND CORRECT, ANY STATEMENTS,
40 DESIGNATIONS OR REPORTS THAT ARE FILED IN THE SECRETARY OF STATE'S
41 ELECTRONIC FILING FORMAT ARE DEEMED TO COMPLY WITH:

42 1. THE FILING REQUIREMENTS OF THIS CHAPTER.

43 2. THE REQUIREMENT THAT A FILING BE MADE UNDER OATH OR BE SUBMITTED
44 WITH A WRITTEN SIGNATURE.

1 C. A STATEMENT, DESIGNATION OR REPORT THAT IS FILED IN ELECTRONIC
2 FORMAT IS DEEMED TO BE FILED UNDER PENALTY OF PERJURY IF THE PRINTED
3 FORMAT VERSION OF THAT DOCUMENT IS REQUIRED TO BE FILED UNDER PENALTY OF
4 PERJURY.

5 D. A PERSON OR POLITICAL COMMITTEE THAT SUBMITS ANY STATEMENT,
6 DESIGNATION OR REPORT PURSUANT TO THIS CHAPTER THAT IS NOT PROPERLY
7 FORMATTED OR THAT DOES NOT CONTAIN THE INFORMATION PRESCRIBED BY THIS
8 CHAPTER HAS NOT COMPLIED WITH THE REPORTING REQUIREMENTS OF THIS CHAPTER
9 AND IS SUBJECT TO PENALTIES AND ENFORCEMENT AS OTHERWISE PROVIDED BY LAW.

10 E. DURING THE IMPLEMENTATION OF AN ELECTRONIC FILING SYSTEM, THE
11 COUNTY OFFICER IN CHARGE OF ELECTIONS MAY REQUIRE THAT STATEMENTS,
12 DESIGNATIONS OR REPORTS BE FILED WITH AN ADDITIONAL WRITTEN OR PRINTED
13 COPY.

14 F. FOR AN ELECTRONIC FILING SYSTEM IMPLEMENTED BY THE SECRETARY OF
15 STATE OR OTHER FILING OFFICER, THE FILING OFFICER SHALL DESIGNATE ONE OR
16 MORE APPROVED TRANSMITTAL FORMATS AND METHODS.

17 16-916.02. Electronic filing; statements of contributions and
18 expenditures: counties, cities, towns, school
19 districts and special districts

20 SUBJECT TO LEGISLATIVE APPROPRIATION THE SECRETARY OF STATE MAY
21 DEVELOP AN ELECTRONIC FILING SYSTEM FOR STATEMENTS, DESIGNATIONS AND
22 REPORTS THAT ARE REQUIRED BY THIS ARTICLE AND THAT ARE NOT IN CONNECTION
23 WITH A STATEWIDE OR LEGISLATIVE ELECTION. THIS SYSTEM MAY BE USED BY ANY
24 POLITICAL SUBDIVISION THAT CHOOSES TO OPT IN TO THE SYSTEM BY GIVING
25 NOTICE TO THE SECRETARY OF STATE AT LEAST THIRTY DAYS BEFORE THE FIRST
26 REPORT IS DUE FOR A CALENDAR YEAR FOR THAT POLITICAL SUBDIVISION PURSUANT
27 TO SECTION 16-913 AND THAT PAYS A FEE AS DETERMINED BY THE SECRETARY OF
28 STATE. THE SYSTEM MUST COMPLY WITH SECTION 16-916.01.

29 16-917. Independent expenditures: in-kind contribution; civil
30 penalty

31 A. A POLITICAL COMMITTEE, CORPORATION, LIMITED LIABILITY COMPANY OR
32 LABOR ORGANIZATION THAT MAKES INDEPENDENT EXPENDITURES FOR LITERATURE OR
33 AN ADVERTISEMENT RELATING TO ANY ONE CANDIDATE OR OFFICE WITHIN SIXTY DAYS
34 BEFORE THE DAY OF ANY ELECTION TO WHICH THE EXPENDITURES RELATE, SHALL
35 SEND BY CERTIFIED MAIL A COPY OF THE CAMPAIGN LITERATURE OR ADVERTISEMENT
36 TO EACH CANDIDATE NAMED OR OTHERWISE REFERRED TO IN THE LITERATURE OR
37 ADVERTISEMENT TWENTY-FOUR HOURS AFTER DEPOSITING IT AT THE POST OFFICE FOR
38 MAILING, TWENTY-FOUR HOURS AFTER SUBMITTING IT TO A TELECOMMUNICATIONS
39 SYSTEM FOR BROADCAST OR TWENTY-FOUR HOURS AFTER SUBMITTING IT TO A
40 NEWSPAPER FOR PRINTING.

41 B. THE COPY OF THE LITERATURE OR ADVERTISEMENT SENT TO A CANDIDATE
42 PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE A REPRODUCTION THAT IS
43 CLEARLY READABLE, VIEWABLE OR AUDIBLE.

44 C. AN EXPENDITURE BY A POLITICAL COMMITTEE, CORPORATION, LIMITED
45 LIABILITY COMPANY, LABOR ORGANIZATION OR PERSON THAT DOES NOT MEET THE

1 DEFINITION OF AN INDEPENDENT EXPENDITURE IS AN IN-KIND CONTRIBUTION TO THE
2 CANDIDATE AND A CORRESPONDING EXPENDITURE BY THE CANDIDATE UNLESS
3 OTHERWISE EXEMPTED.

4 D. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY
5 OF THREE TIMES THE COST OF THE LITERATURE OR ADVERTISEMENT THAT WAS
6 DISTRIBUTED IN VIOLATION OF THIS SECTION. THIS CIVIL PENALTY SHALL BE
7 IMPOSED AS PRESCRIBED IN SECTION 16-924.

8 16-918. Campaign finance reports; notice; civil penalty;
9 prohibition on candidacy

10 A. IF A POLITICAL COMMITTEE FAILS TO FILE A REPORT IN A TIMELY
11 MANNER AS REQUIRED BY THIS CHAPTER, THE FILING OFFICER SHALL SEND WRITTEN
12 NOTICE OF THE DELINQUENCY OF THE REPORT TO THE POLITICAL COMMITTEE AND THE
13 CANDIDATE, IN THE CASE OF THE CANDIDATE'S CAMPAIGN COMMITTEE, OR TO THE
14 DESIGNATING INDIVIDUAL, IN THE CASE OF AN INDIVIDUAL'S EXPLORATORY
15 COMMITTEE. THE NOTICE SHALL BE SENT BY CERTIFIED MAIL WITHIN FIFTEEN DAYS
16 AFTER THE FILING OFFICER DETERMINES THERE MAY BE A FAILURE TO FILE A
17 CAMPAIGN FINANCE REPORT. THE NOTICE SHALL PROVIDE WITH REASONABLE
18 PARTICULARITY THE NATURE OF THE FAILURE AND A STATEMENT OF THE PENALTIES
19 PROVIDED IN THIS SECTION.

20 B. A POLITICAL COMMITTEE, OR IN THE CASE OF A CANDIDATE'S CAMPAIGN
21 COMMITTEE, THE CANDIDATE, OR IN THE CASE OF AN EXPLORATORY COMMITTEE, THE
22 DESIGNATING INDIVIDUAL, IS LIABLE FOR A LATE PENALTY OF TEN DOLLARS FOR
23 EACH BUSINESS DAY AFTER FAILURE TO MAKE OR FILE A CAMPAIGN FINANCE REPORT
24 THAT IS REQUIRED PURSUANT TO THIS CHAPTER UP TO A MAXIMUM OF FOUR HUNDRED
25 FIFTY DOLLARS. FOR FILINGS FOR AN OFFICEHOLDER EXPENSE ACCOUNT PURSUANT
26 TO SECTION 41-133, THE LATE PENALTY IS FIVE DOLLARS FOR EACH DAY AFTER
27 FAILURE TO MAKE OR FILE THE CAMPAIGN FINANCE REPORT, AND THE LATE PENALTY
28 SHALL NOT ACCRUE ON DAYS DURING WHICH THE OFFICE OF THE SECRETARY OF STATE
29 IS NOT OPEN FOR BUSINESS. A LATE PENALTY ACCRUES ONLY UNTIL THE DAY THE
30 LATE REPORT IS FILED AND THE FILING OFFICER SHALL NOT REFUSE A CAMPAIGN
31 FINANCE REPORT EXCEPT IF PENALTIES IMPOSED PURSUANT TO SECTION 16-924 ARE
32 UNPAID AT THE TIME OF FILING THE REPORT. BEGINNING ON THE THIRTY-FIRST
33 DAY AFTER THE DUE DATE, THE FILING OFFICER MAY NOTIFY THE APPROPRIATE
34 ENFORCEMENT OFFICER UNDER SECTION 16-924 THAT A VIOLATION HAS OCCURRED AND
35 THAT LATE FEES AND CIVIL PENALTIES ARE OWED AS PRESCRIBED IN SUBSECTION C
36 OF THIS SECTION AND MAY BE COLLECTED IN AN ENFORCEMENT ACTION PURSUANT TO
37 SECTION 16-924.

38 C. A POLITICAL COMMITTEE, OR IN THE CASE OF A CANDIDATE'S CAMPAIGN
39 COMMITTEE, THE CANDIDATE, OR IN THE CASE OF AN EXPLORATORY COMMITTEE, THE
40 DESIGNATING INDIVIDUAL, THAT HAS FAILED TO FILE WITHIN FIFTEEN DAYS AFTER
41 RECEIVING A NOTICE OF DELINQUENCY PURSUANT TO SUBSECTION A OF THIS SECTION
42 IS LIABLE FOR A CIVIL PENALTY OF TWENTY-FIVE DOLLARS FOR EACH SUBSEQUENT
43 DAY THAT THE FILING IS LATE. THIS PENALTY SHALL BE ASSESSED PURSUANT TO
44 SECTION 16-924.

1 D. FOR THE PURPOSES OF THIS SECTION, THERE IS A FAILURE TO MAKE AND
2 FILE A CAMPAIGN FINANCE REPORT BY THE TREASURER, THE DESIGNATING
3 INDIVIDUAL, IN THE CASE OF AN EXPLORATORY COMMITTEE, THE CANDIDATE, IN THE
4 CASE OF A CANDIDATE'S CAMPAIGN COMMITTEE, AND FOR ALL OTHER POLITICAL
5 COMMITTEES, THE CHAIRMAN, IF ANY OF THE FOLLOWING OCCURS:

6 1. THE REPORT IS NOT FILED IN A TIMELY MANNER AS PRESCRIBED BY
7 SECTION 16-913.

8 2. THE REPORT IS NOT SIGNED IN ACCORDANCE WITH SECTION 16-913.

9 3. A GOOD FAITH EFFORT IS NOT MADE TO SUBSTANTIALLY COMPLETE THE
10 REPORT AS PRESCRIBED BY SECTION 16-915.

11 E. IT IS A DEFENSE TO AN ENFORCEMENT ACTION BROUGHT PURSUANT TO
12 THIS SECTION IF GOOD CAUSE IS SHOWN BY THE TREASURER, THE DESIGNATING
13 INDIVIDUAL, IN THE CASE OF AN EXPLORATORY COMMITTEE, OR THE CANDIDATE, IN
14 THE CASE OF A CANDIDATE'S CAMPAIGN COMMITTEE, FOR THE FAILURE TO MAKE AND
15 FILE A CAMPAIGN FINANCE REPORT. FOR THE PURPOSES OF THIS SUBSECTION,
16 "GOOD CAUSE" INCLUDES AN ILLNESS OR ABSENCE FROM THIS STATE AT THE TIME
17 THE CAMPAIGN FINANCE REPORT WAS DUE OR THE WRITTEN NOTICE OF DELINQUENCY
18 WAS DELIVERED IF THE ILLNESS OR ABSENCE REASONABLY PREVENTED THE
19 TREASURER, DESIGNATING INDIVIDUAL OR CANDIDATE FROM FILING THE REPORT OR
20 RECEIVING THE WRITTEN NOTICE.

21 F. IN ADDITION TO THE ENFORCEMENT ACTIONS PRESCRIBED BY THIS
22 SECTION, A PERSON WHO WAS A CANDIDATE FOR NOMINATION OR ELECTION TO ANY
23 LOCAL OR STATE OFFICE AND WHO AFTER WRITTEN NOTICE PURSUANT TO THIS
24 SECTION FAILED TO MAKE AND FILE A CAMPAIGN FINANCE REPORT AS REQUIRED BY
25 THIS CHAPTER IS NOT ELIGIBLE TO BE A CANDIDATE FOR NOMINATION OR ELECTION
26 TO ANY LOCAL OR STATE OFFICE FOR FIVE YEARS AFTER THE LAST FAILURE TO MAKE
27 AND FILE A CAMPAIGN FINANCE REPORT OCCURRED. THIS PENALTY SHALL BE
28 IMPOSED AS FOLLOWS:

29 1. A CANDIDATE'S FAILURE TO MAKE AND FILE A CAMPAIGN FINANCE REPORT
30 WITH A FILING OFFICER FOR A JURISDICTION IS GROUNDS FOR THAT FILING
31 OFFICER TO REFUSE THE CANDIDATE'S NOMINATION PAPER FOR ANY PUBLIC OFFICE
32 IN THAT JURISDICTION AS DESCRIBED IN THIS SUBSECTION.

33 2. A CANDIDATE'S FAILURE TO MAKE AND FILE A CAMPAIGN FINANCE REPORT
34 WITH ANY FILING OFFICER IS GROUNDS FOR A FILING OFFICER FROM ANOTHER
35 JURISDICTION TO REFUSE THE CANDIDATE'S NOMINATION PAPER FOR ANY PUBLIC
36 OFFICE ON PRESENTATION OF A CERTIFIED COPY OF A FINAL ORDER ISSUED
37 PURSUANT TO SECTION 16-924.

38 G. FOR A STANDING POLITICAL COMMITTEE, IN ADDITION TO ANY LATE
39 PENALTY AND CIVIL PENALTY ASSESSED PURSUANT TO THIS SECTION, IF THE
40 STANDING POLITICAL COMMITTEE MAKES A LATE FILING THREE OR MORE TIMES, THE
41 STANDING POLITICAL COMMITTEE IS NO LONGER ELIGIBLE FOR CONSOLIDATED FILING
42 STATUS PURSUANT TO SECTION 16-913, SUBSECTION K AND SHALL MAKE ALL OF ITS
43 FILINGS IN EACH REPORTING JURISDICTION IN WHICH IT IS ACTIVE.

1 H. FOR ANY POLITICAL COMMITTEE THAT HAS FAILED TO FILE THREE
2 CONSECUTIVE CAMPAIGN FINANCE REPORTS WITH THE FILING OFFICER AS PRESCRIBED
3 BY SECTION 16-913, THE FILING OFFICER SHALL SEND THE COMMITTEE CHAIRMAN
4 AND TREASURER A WRITTEN NOTICE OF INTENT TO SUSPEND THE POLITICAL
5 COMMITTEE. THE NOTICE OF INTENT TO SUSPEND SHALL STATE THAT FAILURE OF
6 THE POLITICAL COMMITTEE TO FULLY COMPLY WITH ALL FILING REQUIREMENTS FOR
7 THAT COMMITTEE, INCLUDING ANY REQUIRED PAYMENTS, WITHIN THIRTY DAYS OF THE
8 DATE OF THE NOTICE SHALL RESULT IN SUSPENSION OF THE POLITICAL COMMITTEE'S
9 AUTHORITY TO OPERATE IN THAT JURISDICTION. ON SUSPENSION OF THE POLITICAL
10 COMMITTEE'S AUTHORITY TO OPERATE, THE FILING OFFICER IS NO LONGER REQUIRED
11 TO PROVIDE ANY FURTHER NOTICE OF DELINQUENCY TO THE POLITICAL COMMITTEE.
12 THIS SUBSECTION DOES NOT REDUCE OR ELIMINATE THE POLITICAL COMMITTEE'S
13 CONTINUING OBLIGATION TO MAKE CAMPAIGN FINANCE FILINGS AND PAY ANY FINES,
14 PENALTIES, CIVIL PENALTIES OR OTHER SANCTIONS THAT MAY CONTINUE TO ACCRUE
15 AS OTHERWISE PROVIDED BY LAW. THIS SUBSECTION DOES NOT APPLY TO REPORTS
16 REQUIRED PURSUANT TO ARTICLE 2 OF THIS CHAPTER OR TO A CANDIDATE'S
17 CAMPAIGN COMMITTEE DESIGNATED BY THAT CANDIDATE PURSUANT TO SECTION 16-903
18 DURING THAT ELECTION CYCLE.

19 16-919. Prohibition of contributions by corporations, limited
20 liability companies or labor organizations;
21 exemption; violation; classification; definitions

22 A. EXCEPT AS PROVIDED IN SECTION 16-914.02, IT IS UNLAWFUL FOR A
23 CORPORATION OR A LIMITED LIABILITY COMPANY TO MAKE AN EXPENDITURE OR ANY
24 CONTRIBUTION OF MONEY OR ANYTHING OF VALUE FOR THE PURPOSE OF INFLUENCING
25 AN ELECTION, AND IT IS UNLAWFUL FOR THE DESIGNATING INDIVIDUAL WHO FORMED
26 AN EXPLORATORY COMMITTEE, AN EXPLORATORY COMMITTEE, A CANDIDATE OR A
27 CANDIDATE'S CAMPAIGN COMMITTEE TO ACCEPT ANY CONTRIBUTION OF MONEY OR
28 ANYTHING OF VALUE FROM A CORPORATION OR A LIMITED LIABILITY COMPANY FOR
29 THE PURPOSE OF INFLUENCING AN ELECTION. THIS SUBSECTION DOES NOT APPLY TO
30 POLITICAL COMMITTEES THAT ARE INCORPORATED PURSUANT TO TITLE 10, CHAPTERS
31 24 THROUGH 40 AND POLITICAL COMMITTEES THAT ARE ORGANIZED AS LIMITED
32 LIABILITY COMPANIES.

33 B. EXCEPT AS PROVIDED IN SECTION 16-914.02, IT IS UNLAWFUL FOR A
34 LABOR ORGANIZATION TO MAKE AN EXPENDITURE OR ANY CONTRIBUTION OF MONEY OR
35 ANYTHING OF VALUE FOR THE PURPOSE OF INFLUENCING AN ELECTION.

36 C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, A
37 CORPORATION, LIMITED LIABILITY COMPANY OR LABOR ORGANIZATION MAY
38 CONTRIBUTE TO AN INDEPENDENT EXPENDITURE COMMITTEE.

39 D. A CORPORATION, LIMITED LIABILITY COMPANY OR LABOR ORGANIZATION
40 THAT VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

41 E. THE PERSON THROUGH WHOM THE VIOLATION IS EFFECTED IS GUILTY OF A
42 CLASS 6 FELONY.

43 F. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A POLITICAL
44 COMMITTEE THAT IS INCORPORATED ONLY FOR THE PURPOSES OF LIABILITY
45 LIMITATION MAY MAKE CONTRIBUTIONS FOR THE PURPOSE OF INFLUENCING AN

1 ELECTION. NOTWITHSTANDING THE CORPORATE STATUS OF A POLITICAL COMMITTEE,
2 THE CHAIRMAN AND TREASURER OF AN INCORPORATED POLITICAL COMMITTEE REMAIN
3 PERSONALLY RESPONSIBLE FOR CARRYING OUT THEIR RESPECTIVE DUTIES UNDER THIS
4 ARTICLE.

5 G. FOR THE PURPOSES OF THIS SECTION:

6 1. "ELECTION" MEANS ANY ELECTION TO ANY POLITICAL OFFICE, ANY
7 ELECTION TO ANY POLITICAL CONVENTION OR CAUCUS OR ANY PRIMARY ELECTION
8 HELD FOR THE PURPOSE OF SELECTING ANY CANDIDATE, POLITICAL COMMITTEE OR
9 OTHER PERSON FOR ANY POLITICAL OFFICE, CONVENTION OR CAUCUS.

10 2. "EMPLOYEE" INCLUDES ANY EMPLOYEE, IS NOT LIMITED TO THE
11 EMPLOYEES OF A PARTICULAR EMPLOYER AND INCLUDES ANY INDIVIDUAL WHOSE WORK
12 HAS CEASED AS A CONSEQUENCE OF, OR IN CONNECTION WITH, ANY CURRENT LABOR
13 DISPUTE OR BECAUSE OF ANY UNFAIR LABOR PRACTICE.

14 3. "EMPLOYER" INCLUDES ANY PERSON ACTING AS AN AGENT OF AN
15 EMPLOYER, DIRECTLY OR INDIRECTLY.

16 4. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND OR ANY
17 AGENCY OR EMPLOYEE REPRESENTATION COMMITTEE OR PLAN IN WHICH EMPLOYEES
18 PARTICIPATE AND THAT EXISTS FOR THE PURPOSE IN WHOLE OR IN PART OF DEALING
19 WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES, WAGES, RATES OF PAY,
20 HOURS OF EMPLOYMENT OR CONDITIONS OF WORK.

21 16-920. Permitted expenditures by corporations and labor
22 organizations; federal law; definitions

23 A. EXPENDITURES FOR THE FOLLOWING PURPOSES ARE NOT POLITICAL
24 CONTRIBUTIONS PROHIBITED BY LAW:

25 1. COMMUNICATIONS BY A CORPORATION TO ITS STOCKHOLDERS AND
26 EXECUTIVE OR ADMINISTRATIVE PERSONNEL AND THEIR FAMILIES, OR BY A LABOR
27 ORGANIZATION TO ITS MEMBERS AND THEIR FAMILIES, ON ANY SUBJECT.

28 2. NONPARTISAN REGISTRATION AND GET-OUT-THE-VOTE CAMPAIGNS BY A
29 CORPORATION AIMED AT ITS STOCKHOLDERS AND EXECUTIVE OR ADMINISTRATIVE
30 PERSONNEL AND THEIR FAMILIES OR BY A LABOR ORGANIZATION AIMED AT ITS
31 MEMBERS AND THEIR FAMILIES.

32 3. THE ESTABLISHMENT, ADMINISTRATION AND SOLICITATION OF VOLUNTARY
33 CONTRIBUTIONS TO A SEPARATE SEGREGATED FUND TO BE USED FOR POLITICAL
34 PURPOSES BY A CORPORATION, LABOR ORGANIZATION, MEMBERSHIP ORGANIZATION,
35 TRADE ASSOCIATION, COOPERATIVE OR CORPORATION WITHOUT CAPITAL STOCK.

36 4. THE ESTABLISHMENT, ADMINISTRATION AND SOLICITATION OF VOLUNTARY
37 CONTRIBUTIONS FROM EMPLOYEES OF A CORPORATION OR LIMITED LIABILITY
38 COMPANY, INCLUDING CONTRIBUTIONS MADE BY PAYROLL DEDUCTION, DEPOSIT OR
39 TRANSFER OR OTHER SIMILAR METHOD, AND THAT ARE MADE DIRECTLY TO A SEPARATE
40 SEGREGATED FUND THAT IS USED FOR POLITICAL PURPOSES BY A TRADE ASSOCIATION
41 OF WHICH THE EMPLOYING CORPORATION OR LIMITED LIABILITY COMPANY IS A
42 MEMBER. CONTRIBUTIONS RECEIVED UNDER THIS SUBSECTION SHALL BE REPORTED
43 PURSUANT TO SECTION 16-915, SUBSECTION A, PARAGRAPH 2, SUBDIVISION (a) OR
44 SUBSECTION E.

5. CONTRIBUTIONS FOR USE TO SUPPORT OR OPPOSE AN INITIATIVE OR REFERENDUM MEASURE OR AMENDMENT TO THE CONSTITUTION.

6. INDEPENDENT EXPENDITURES AND CONTRIBUTIONS TO INDEPENDENT EXPENDITURE COMMITTEES MADE PURSUANT TO SECTION 16-914.02.

B. A MEMBERSHIP ORGANIZATION, TRADE ASSOCIATION, COOPERATIVE OR CORPORATION WITHOUT CAPITAL STOCK MAY ENGAGE IN THE ACTIVITIES PERMITTED IN SUBSECTION A, PARAGRAPHS 1 AND 2 OF THIS SECTION IF SUCH ACTIVITIES ARE DIRECTED PRIMARILY TOWARD ITS MEMBERS, STOCKHOLDERS OR MEMBERS OF ITS MEMBERS, ITS AND ITS MEMBERS' EXECUTIVE OR ADMINISTRATIVE PERSONNEL AND THEIR FAMILIES.

C. A PERSON MAY RELY ON THE FEDERAL ELECTION COMMISSION'S RULES, POLICY STATEMENTS, INTERPRETIVE RULES AND OTHER GUIDANCE ADOPTED AS OF JANUARY 1, 2013 IN INTERPRETING AND APPLYING 52 UNITED STATES CODE SECTION 30118(b)(2) IN INTERPRETING SUBSECTION A, PARAGRAPHS 1 THROUGH 4 OF THIS SECTION.

D. FOR THE PURPOSES OF THIS SECTION:

1. "EXECUTIVE OR ADMINISTRATIVE PERSONNEL" HAS THE SAME MEANING
PRESCRIBED IN SECTION 16-921.

2. "LABOR ORGANIZATION" HAS THE SAME MEANING PRESCRIBED IN SECTION
16-919.

16-921. Unlawful contributions by corporations and labor organizations from a fund; procedures; definitions

A. IT IS UNLAWFUL UNDER ANY FUND ESTABLISHED BY A CORPORATION OR
LABOR ORGANIZATION PURSUANT TO SECTION 16-920, SUBSECTION A, PARAGRAPH 3:

1. FOR SUCH A FUND TO MAKE A CONTRIBUTION OR EXPENDITURE BY USING MONEY OR ANYTHING OF VALUE SECURED BY PHYSICAL FORCE, JOB DISCRIMINATION, FINANCIAL REPRISALS OR THE THREAT OF FORCE, JOB DISCRIMINATION OR FINANCIAL REPRISAL OR BY DUES, FEES OR OTHER MONIES REQUIRED AS A CONDITION OF MEMBERSHIP IN A LABOR ORGANIZATION OR AS A CONDITION OF EMPLOYMENT OR BY MONIES OBTAINED IN ANY COMMERCIAL TRANSACTION.

2. FOR ANY PERSON SOLICITING AN EMPLOYEE FOR A CONTRIBUTION TO SUCH A FUND TO FAIL TO INFORM SUCH EMPLOYEE OF THE POLITICAL PURPOSES OF SUCH FUND AT THE TIME OF SUCH SOLICITATION.

3. FOR ANY PERSON SOLICITING AN EMPLOYEE FOR A CONTRIBUTION TO SUCH A FUND TO FAIL TO INFORM SUCH EMPLOYEE, AT THE TIME OF SUCH SOLICITATION, OF THE EMPLOYEE'S RIGHT TO REFUSE TO SO CONTRIBUTE WITHOUT ANY REPRISAL.

B. EXCEPT AS PROVIDED IN SUBSECTIONS C, D AND E OF THIS SECTION IT IS UNLAWFUL FOR A CORPORATION, OR A SEPARATE SEGREGATED FUND ESTABLISHED BY A CORPORATION, TO SOLICIT CONTRIBUTIONS TO SUCH A FUND FROM ANY PERSON OTHER THAN THE STOCKHOLDERS OF THE CORPORATION AND THEIR FAMILIES, THE EXECUTIVE OR ADMINISTRATIVE PERSONNEL OF THE CORPORATION AND THEIR FAMILIES, THE RETIREES OF THE CORPORATION AND THEIR FAMILIES AND THE EXECUTIVE OR ADMINISTRATIVE PERSONNEL OR RETIREES OF THE CORPORATION'S SUBSIDIARIES, BRANCHES, DIVISIONS AND AFFILIATES AND THEIR FAMILIES, AND FOR A LABOR ORGANIZATION, OR A SEPARATE SEGREGATED FUND ESTABLISHED BY A

1 LABOR ORGANIZATION, TO SOLICIT CONTRIBUTIONS TO SUCH A FUND FROM ANY
2 PERSON OTHER THAN ITS MEMBERS AND THEIR FAMILIES.

3 C. A CORPORATION OR A SEPARATE SEGREGATED FUND ESTABLISHED BY SUCH
4 CORPORATION MAY MAKE NO MORE THAN TWO WRITTEN SOLICITATIONS FOR
5 CONTRIBUTIONS DURING THE CALENDAR YEAR FROM ANY EMPLOYEE WHO IS NOT A
6 STOCKHOLDER OR EXECUTIVE OR ADMINISTRATIVE PERSONNEL OF SUCH CORPORATION,
7 OR OF SUCH CORPORATION'S SUBSIDIARIES, BRANCHES, DIVISIONS AND AFFILIATES,
8 OR THE FAMILIES OF SUCH EMPLOYEES. A SOLICITATION UNDER THIS SUBSECTION
9 MAY BE MADE ONLY BY MAIL ADDRESSED TO EMPLOYEES WHO ARE NOT STOCKHOLDERS
10 OR EXECUTIVE OR ADMINISTRATIVE PERSONNEL AT THEIR RESIDENCE.

11 D. AN INSURER THAT IS LICENSED IN THIS STATE OR A SEPARATE
12 SEGREGATED FUND ESTABLISHED BY SUCH INSURER MAY MAKE WRITTEN SOLICITATIONS
13 FOR CONTRIBUTIONS DURING THE CALENDAR YEAR FROM PERSONS WHO ARE LICENSED
14 INSURANCE PRODUCERS AND WITH WHOM IT HAS A CONTRACT TO PRODUCE INSURANCE
15 BUSINESS, AND THOSE PERSONS' FAMILIES. THOSE SOLICITATIONS ARE LAWFUL
16 ONLY IF THE INSURANCE PRODUCER HAS AN EXCLUSIVE CONTRACT WITH THE
17 INSURER. THIS SUBSECTION DOES NOT CHANGE AN INSURANCE PRODUCER'S STATUS
18 AS AN INDEPENDENT CONTRACTOR.

19 E. A LABOR ORGANIZATION OR A SEPARATE SEGREGATED FUND ESTABLISHED
20 BY SUCH LABOR ORGANIZATION MAY MAKE NO MORE THAN TWO WRITTEN SOLICITATIONS
21 FOR CONTRIBUTIONS DURING THE CALENDAR YEAR FROM ANY STOCKHOLDER, EXECUTIVE
22 OR ADMINISTRATIVE PERSONNEL OR EMPLOYEE OF A CORPORATION WHO IS NOT A
23 UNION MEMBER, OR THE FAMILIES OF SUCH PERSONS, IF SUCH LABOR ORGANIZATION
24 REPRESENTS MEMBERS WORKING FOR SUCH CORPORATION. A SOLICITATION UNDER
25 THIS SUBSECTION MAY BE MADE ONLY BY MAIL ADDRESSED TO SUCH STOCKHOLDERS,
26 EXECUTIVE OR ADMINISTRATIVE PERSONNEL OR EMPLOYEES WHO ARE NOT UNION
27 MEMBERS AT THEIR RESIDENCES.

28 F. THIS SECTION SHALL NOT PREVENT A MEMBERSHIP ORGANIZATION,
29 COOPERATIVE OR CORPORATION WITHOUT CAPITAL STOCK, OR A SEPARATE SEGREGATED
30 FUND ESTABLISHED BY A MEMBERSHIP ORGANIZATION, COOPERATIVE OR CORPORATION
31 WITHOUT CAPITAL STOCK, FROM SOLICITING CONTRIBUTIONS TO SUCH A FUND FROM
32 MEMBERS OF SUCH ORGANIZATION, COOPERATIVE OR CORPORATION WITHOUT CAPITAL
33 STOCK.

34 G. THIS SECTION SHALL NOT PREVENT A TRADE ASSOCIATION, OR A
35 SEPARATE SEGREGATED FUND ESTABLISHED BY A TRADE ASSOCIATION, FROM
36 SOLICITING CONTRIBUTIONS FROM THE STOCKHOLDERS AND EXECUTIVE OR
37 ADMINISTRATIVE PERSONNEL OF THE MEMBER CORPORATIONS OF SUCH TRADE
38 ASSOCIATION AND THE FAMILIES OF SUCH STOCKHOLDERS OR PERSONNEL.

39 H. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY METHOD OF
40 SOLICITING VOLUNTARY CONTRIBUTIONS OR OF FACILITATING THE MAKING OF
41 VOLUNTARY CONTRIBUTIONS TO A SEPARATE SEGREGATED FUND ESTABLISHED BY A
42 CORPORATION, PERMITTED BY LAW TO CORPORATIONS WITH REGARD TO STOCKHOLDERS
43 AND EXECUTIVE OR ADMINISTRATIVE PERSONNEL, SHALL ALSO BE PERMITTED TO
44 LABOR ORGANIZATIONS WITH REGARD TO THEIR MEMBERS.

1 I. ANY CORPORATION, INCLUDING ITS SUBSIDIARIES, BRANCHES, DIVISIONS
2 AND AFFILIATES, THAT USES A METHOD OF SOLICITING VOLUNTARY CONTRIBUTIONS
3 OR FACILITATING THE MAKING OF VOLUNTARY CONTRIBUTIONS SHALL MAKE AVAILABLE
4 SUCH METHOD, ON WRITTEN REQUEST AND AT A COST SUFFICIENT ONLY TO REIMBURSE
5 THE CORPORATION FOR THE EXPENSES INCURRED THEREBY, TO A LABOR ORGANIZATION
6 REPRESENTING ANY MEMBERS WORKING FOR SUCH CORPORATION AND ITS
7 SUBSIDIARIES, BRANCHES, DIVISIONS AND AFFILIATES.

8 J. FOR THE PURPOSES OF THIS SECTION:

9 1. "AFFILIATE" MEANS ANY ORGANIZATION THAT CONTROLS, IS CONTROLLED
10 BY OR IS UNDER COMMON CONTROL WITH THE CORPORATION.

11 2. "CONTROL" MEANS TO POSSESS, DIRECTLY OR INDIRECTLY, THE POWER TO
12 DIRECT, OR CAUSE THE DIRECTION OF, THE MANAGEMENT OR POLICIES OF ANOTHER
13 ORGANIZATION, WHETHER THROUGH THE ABILITY TO EXERCISE VOTING POWER, BY
14 OWNERSHIP OR CONTRACT, OR OTHERWISE.

15 3. "EXCLUSIVE CONTRACT" MEANS EITHER:

16 (a) AN INSURANCE PRODUCER'S CONTRACT WITH AN INSURER THAT PROHIBITS
17 THE PRODUCER FROM SOLICITING INSURANCE BUSINESS FOR ANY OTHER INSURER.

18 (b) AN INSURANCE PRODUCER'S CONTRACT WITH AN INSURER THAT REQUIRES
19 A FIRST RIGHT OF REFUSAL ON ALL LINES OF INSURANCE BUSINESS WRITTEN BY THE
20 INSURER AND SOLICITED BY THE PRODUCER.

21 4. "EXECUTIVE OR ADMINISTRATIVE PERSONNEL" MEANS INDIVIDUALS WHO
22 ARE EMPLOYED BY A CORPORATION AND WHO ARE PAID ON A SALARY, RATHER THAN
23 HOURLY, BASIS AND WHO HAVE POLICYMAKING, MANAGERIAL, PROFESSIONAL OR
24 SUPERVISORY RESPONSIBILITIES.

25 5. "INSURANCE PRODUCER" HAS THE SAME MEANING PRESCRIBED IN SECTION
26 20-281.

27 16-922. Religious assembly or institution not required to
28 register

29 NOTWITHSTANDING ANY OTHER LAW, THIS STATE AND ANY AGENCY OR
30 POLITICAL SUBDIVISION OF THIS STATE SHALL NOT REQUIRE A PERSON TO REGISTER
31 AS A POLITICAL COMMITTEE PURSUANT TO THIS CHAPTER IF THE PERSON IS A
32 RELIGIOUS ASSEMBLY OR INSTITUTION THAT DOES NOT SPEND A SUBSTANTIAL AMOUNT
33 OF TIME OR ASSETS, WITHIN THE MEANING OF SECTION 501(c)(3) OF THE INTERNAL
34 REVENUE CODE, ON INFLUENCING ANY FEDERAL, STATE OR LOCAL LEGISLATION,
35 REFERENDUM, INITIATIVE OR CONSTITUTIONAL AMENDMENT.

36 16-923. Volunteering services for expected compensation;
37 violation; classification

38 A PERSON WHO VOLUNTARILY AND UNSOLICITEDLY OFFERS TO WORK FOR AND
39 ASSIST OR IN ANY MANNER VOLUNTARILY CONTRIBUTES TO THE NOMINATION OR
40 ELECTION OF A CANDIDATE OR OTHER PERSON TO ANY OFFICE IN THIS STATE WITH
41 THE INTENT OF HAVING SUCH CANDIDATE OR PERSON PAY OR IN ANY MANNER
42 COMPENSATE THE PERSON SO OFFERING SUCH WORK OR SERVICES IS GUILTY OF A
43 CLASS 2 MISDEMEANOR UNLESS ANOTHER CLASSIFICATION IS SPECIFICALLY
44 PRESCRIBED IN THIS TITLE.

1 16-924. Civil penalties; attorney general; county, city or
2 town attorney

3 A. UNLESS ANOTHER PENALTY IS SPECIFICALLY PRESCRIBED IN THIS TITLE,
4 IF THE FILING OFFICER FOR CAMPAIGN FINANCE REPORTS DESIGNATED PURSUANT TO
5 SECTION 16-916, SUBSECTION A HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON
6 IS VIOLATING ANY PROVISION OF THIS TITLE, EXCEPT FOR VIOLATIONS OF
7 CHAPTER 6, ARTICLE 2, THE SECRETARY OF STATE SHALL NOTIFY THE ATTORNEY
8 GENERAL FOR A VIOLATION REGARDING A STATEWIDE OFFICE OR THE LEGISLATURE,
9 THE COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL NOTIFY THE COUNTY ATTORNEY
10 FOR THAT COUNTY FOR A VIOLATION REGARDING A COUNTY OFFICE OR THE CITY OR
11 TOWN CLERK SHALL NOTIFY THE CITY OR TOWN ATTORNEY FOR A VIOLATION
12 REGARDING A CITY OR TOWN OFFICE. THE ATTORNEY GENERAL, COUNTY ATTORNEY OR
13 CITY OR TOWN ATTORNEY, AS APPROPRIATE, MAY SERVE ON THE PERSON AN ORDER
14 REQUIRING COMPLIANCE WITH THAT PROVISION. THE ORDER SHALL STATE WITH
15 REASONABLE PARTICULARITY THE NATURE OF THE VIOLATION AND SHALL REQUIRE
16 COMPLIANCE WITHIN TWENTY DAYS FROM THE DATE OF ISSUANCE OF THE ORDER. THE
17 ALLEGED VIOLATOR HAS TWENTY DAYS FROM THE DATE OF ISSUANCE OF THE ORDER TO
18 REQUEST A HEARING PURSUANT TO TITLE 41, CHAPTER 6.

19 B. IF A PERSON FAILS TO TAKE CORRECTIVE ACTION WITHIN THE TIME
20 SPECIFIED IN THE COMPLIANCE ORDER ISSUED PURSUANT TO SUBSECTION A OF THIS
21 SECTION, THE ATTORNEY GENERAL, COUNTY ATTORNEY OR CITY OR TOWN ATTORNEY,
22 AS APPROPRIATE, SHALL ISSUE AN ORDER ASSESSING A CIVIL PENALTY OF NOT MORE
23 THAN ONE THOUSAND DOLLARS. THE PERSON ALLEGED TO HAVE VIOLATED THE
24 COMPLIANCE ORDER HAS THIRTY DAYS FROM THE DATE OF ISSUANCE OF THE ORDER
25 ASSESSING THE CIVIL PENALTY TO REQUEST A HEARING PURSUANT TO TITLE 41,
26 CHAPTER 6.

27 C. ANY PARTY AGGRIEVED BY AN ORDER OR DECISION OF THE ATTORNEY
28 GENERAL, COUNTY ATTORNEY OR CITY OR TOWN ATTORNEY, AS APPROPRIATE, MAY
29 APPEAL TO THE SUPERIOR COURT AS PROVIDED IN TITLE 12, CHAPTER 7, ARTICLE
30 6.

31 D. FOR THE PURPOSES OF THIS SECTION, FAILURE TO COMPLY WITH A
32 COMPLIANCE ORDER ISSUED BY THE ATTORNEY GENERAL, COUNTY ATTORNEY OR CITY
33 OR TOWN ATTORNEY, AS APPROPRIATE, AS PRESCRIBED IN SUBSECTION A OF THIS
34 SECTION IS DEEMED AN INTENTIONAL ACT.

35 16-925. Deceptive mailings; civil penalty

36 A. IN AN ATTEMPT TO INFLUENCE THE OUTCOME OF AN ELECTION, AN
37 INDIVIDUAL OR COMMITTEE SHALL NOT DELIVER OR MAIL ANY DOCUMENT THAT
38 FALSELY PURPORTS TO BE A MAILING THAT IS AUTHORIZED, APPROVED, REQUIRED,
39 SENT OR REVIEWED BY OR THAT FALSELY SIMULATES A DOCUMENT FROM THE
40 GOVERNMENT OF THIS STATE, A COUNTY, CITY OR TOWN OR ANY OTHER POLITICAL
41 SUBDIVISION.

42 B. AN INDIVIDUAL OR COMMITTEE THAT VIOLATES THIS SECTION IS LIABLE
43 FOR A CIVIL PENALTY EQUAL TO TWICE THE TOTAL OF THE COST OF THE MAILING OR
44 FIVE HUNDRED DOLLARS, WHICHEVER IS GREATER. THE ATTORNEY GENERAL, THE
45 COUNTY ATTORNEY, THE CITY OR TOWN ATTORNEY OR ANY OTHER LEGAL

1 REPRESENTATIVE OF THE POLITICAL SUBDIVISION, AS APPROPRIATE, MAY ASSESS
2 THE CIVIL PENALTY.

3 Sec. 3. Conforming legislation

4 The legislative council staff shall prepare proposed legislation
5 conforming the Arizona Revised Statutes to the provisions of this act for
6 consideration in the fifty-fourth legislature, first regular session."