

**FIFTY-FIRST LEGISLATURE
FIRST SESSION, 2013**

February 27, 2013

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred
HOUSE VOTERS AND ELECTIONS COMMITTEE
SUBSTITUTE FOR HOUSE BILL 232

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 12, between lines 22 and 23, insert the following new sections:

"SECTION 8. A new section of the Election Code is enacted to read:

"[NEW MATERIAL] CIVIL PENALTIES.--

A. If the secretary of state reasonably believes that a person committed, or is about to commit, a violation of the School District Campaign Reporting Act, the secretary of state shall refer the matter to the attorney general or a district attorney for enforcement.

B. The attorney general or district attorney may institute a civil action in district court for any violation of the School District Campaign Reporting Act or to prevent a violation of that act that involves an unlawful solicitation or the making or acceptance of an unlawful contribution. An action for relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including a civil penalty of two hundred fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000), and forfeiture of any contribution received as a result of an unlawful solicitation or unlawful contribution. Each unlawful solicitation and each unlawful contribution made or accepted shall be deemed a separate violation of the Campaign Reporting Act.

C. The attorney general or district attorney may institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the School District Campaign Reporting Act other than that specified in Subsection B of this section. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate

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order, including an order for a civil penalty of fifty dollars (\$50.00) for each violation not to exceed five thousand dollars (\$5,000)."

SECTION 9. A new section of the Election Code is enacted to read:

"[NEW MATERIAL] PENALTIES--CRIMINAL ENFORCEMENT.--

A. Any person who knowingly and willfully violates any provision of the School District Campaign Reporting Act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both.

B. The School District Campaign Reporting Act may be enforced by the attorney general or the district attorney in the county where the candidate resides or where the violation occurred."".

2. Renumber the succeeding sections accordingly.

Respectfully submitted,

Gail Chasey, Chairwoman

Adopted _____ (Chief Clerk)

Not Adopted _____ (Chief Clerk)

Date _____

The roll call vote was 14 For 0 Against
Yes: 13
No: 0
Excused: Gentry, Maestas
Absent: None

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