

**Effective 5/12/2015**

**Superseded 3/17/2016**

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

- (1)
  - (a) A state office candidate who fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
  - (b) If a state office candidate fails to file an interim report described in Subsections 20A-11-204(1)(b)(ii) through (iv), the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed, inform the county clerk and other appropriate election officials that the state office candidate is disqualified.
  - (c)
    - (i) The vacancy on the ballot resulting from the disqualification may be filled as provided in Section 20A-1-501.
    - (ii) If a state office candidate is disqualified under Subsection (1)(a), the election official shall:
      - (A) remove the candidate's name from the ballot; or
      - (B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted.
    - (iii) An election official may fulfill the requirement described in Subsection (1)(c)(ii)(B) in relation to an absentee voter, including a military or overseas absentee voter, by including with the absentee ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.
  - (d) Notwithstanding Subsections (1)(b) and (1)(c), a state office candidate is not disqualified if:
    - (i) the candidate timely files the reports required by this section no later than the due date in accordance with Section 20A-11-103;
    - (ii) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
    - (iii) the omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are corrected in:
      - (A) an amended report; or
      - (B) the next scheduled report.
- (2)
  - (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
    - (i) each state office candidate that is required to file a summary report has filed one; and
    - (ii) each summary report contains the information required by this part.
  - (b) If it appears that any state office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state office candidate of the violation or written complaint and direct the state office candidate to file a summary report correcting the problem.
  - (c)
    - (i) It is unlawful for any state office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.
    - (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

- (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.
- (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a state office candidate who violates Subsection (2)(c)(i).