



# House of Representatives *State of Utah*

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February 8, 2001

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **H.B. 116**, JUDICIAL RETENTION ELECTION AMENDMENTS, by Representative G. Cox, with the following amendments:

1. Page 1, Line 10: After "**reports.**" insert "**This act establishes notice requirements and penalties if judges fail to file their campaign reports.**"
2. Page 1, Line 13: After Line 13 insert:  
"**20A-11-103**, as last amended by Chapter 17, Laws of Utah 2000"
3. Page 1, Line 19: After Line 19 insert:  
"**20A-12-306**, Utah Code Annotated 1953"
4. Page 4, Line 103: After line 103 insert:  
"Section 2. Section **20A-11-103** is amended to read:  
**20A-11-103. Reports -- Form of submission.**  
(1) (a) (i) Ten days before a report from a state office candidate, legislative office candidate, state school board candidate, political party, political action committee, [or] political issues committee, or judge is due under this chapter, the lieutenant governor shall inform those candidates, judges, and entities by postal mail or, if requested by the candidate, judge, party, or committee, by electronic mail:  
(A) that the report is due; and  
(B) the date that the report is due.  
(ii) In addition to the information required by Subsection (1)(a)(i) and in the same mailing, ten days before the interim reports for candidates or judges are due, the lieutenant governor shall inform the candidate or judge that if the report is not received in the lieutenant governor's office by 5 p.m. on the date that it is due, voters will be informed that the candidate or judge has been disqualified and any votes cast for the candidate or judge will not be counted.  
(iii) In addition to the information required by Subsection (1)(a)(i) and in the same mailing, ten days before the interim reports or verified financial statements for entities that are due September 15 and before the regular general election are due, and ten days before summary reports or January 5 financial statements are due, the lieutenant governor shall inform the entity, candidate, judge, or officeholder that if the report is not received in the lieutenant governor's office by the date that it is due, the entity, candidate, judge, or officeholder may be guilty of a class B misdemeanor for failing to file the report or statement.  
(b) Ten days before a report from a local school board candidate is due under this chapter, the county clerk shall inform the candidate by postal mail or, if

Bill Number



HB0116

Action Class



H

Action Code



HCRAMD

requested, by electronic mail:

- (i) that the report is due;
  - (ii) the date that the report is due; and
  - (iii) if the report is not received in the county clerk's office by 5 p.m. on the date that it is due, voters will be informed that the candidate has been disqualified and any votes cast for the candidate will not be counted.
- (2) Persons or entities submitting reports required by this chapter may submit them:
- (a) on paper, printed, typed, or legibly handwritten or hand printed;
  - (b) on a computer disk according to specifications established by the chief election officer that protect against fraudulent filings and secure the accuracy of the information contained on the computer disk;
  - (c) via fax; or
  - (d) via electronic mail according to specifications established by the chief election officer.
- (3) A report is considered filed if:
- (a) it is received in the chief election officer's office no later than 5:00 p.m. on the date that it is due;
  - (b) it is received in the chief election officer's office with a postmark three days or more before the date that the report was due; or
  - (c) the candidate, judge, or entity has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due."

**Renumber remaining sections accordingly.**

- 5. Page 6, Line 182: At the beginning of the line insert "shall"
- 6. Page 8, Line 235: After "governor" insert "no later than 5 p.m. on the date"
- 7. Page 9, Line 248: After Line 248 insert:  
"Section 7. Section **20A-12-306** is enacted to read:  
**20A-12-306. Judges -- Failure to file reports -- Penalties.**  
(1) (a) If a judge's personal campaign committee fails to file the interim report due before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely mailed, inform the county clerk and other appropriate election officials who:  
(i) shall, if practicable, remove the name of the judge by blacking out the judge's name before the ballots are delivered to voters; or  
(ii) shall, if removing the judge's name from the ballot is not practicable, inform the voters by any practicable method that the judge has been

Bill Number



HB0116

Action Class



H

Action Code



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disqualified and that votes cast for the judge will not be counted; and  
(iii) may not count any votes for that judge.  
(b) Any judge who fails to file timely a financial statement required by this part is disqualified.  
(c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified if:  
(i) the candidate files the reports required by this section;  
(ii) those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and  
(iii) those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.  
(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 judge 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 judge 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 judge of the violation or written complaint and direct the judge to file a summary report correcting the problem.  
(c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14 days after receiving notice from the lieutenant governor under this section.  
(ii) Each judge 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."

**Renumber remaining sections accordingly.**

Respectfully,

Glenn L. Way  
Committee Chair

Voting: 8-0-5

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Bill Number



HB0116

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