

Effective 5/13/2014

20A-1-804 Judgment and findings -- Appeal -- Criminal prosecution not affected by judgment.

- (1)
 - (a) Except as provided in Subsection (2), if the court finds that the candidate whose right to office is being challenged, the candidate's personal campaign committee, or a member of the candidate's personal campaign committee has committed a significant violation of any provision of this title, the judge shall enter an order:
 - (i) declaring void the election of the candidate to that office;
 - (ii) ousting and excluding the candidate from office; and
 - (iii) declaring the office vacant.
 - (b) A vacancy created by an order described in Subsection (1)(a) shall be filled as provided in this chapter.
- (2)
 - (a) As it relates to a candidate for either house of the Legislature, if the court finds that the candidate, the candidate's personal campaign committee, or a member of the candidate's personal campaign committee has committed a significant violation of any provision of this title, the court shall:
 - (i) prepare and sign written findings of fact and conclusions of law relating to the violation; and
 - (ii) without issuing an order, transmit those findings and conclusions to the reviewing official.
 - (b) The reviewing official shall transmit the judge's findings and conclusions to the house of the Legislature for which the person is a candidate.
- (3)
 - (a) A party may appeal the determination of the court in the same manner as appeals may be taken in civil actions.
 - (b) A judge may not issue an injunction suspending or staying the proceeding unless:
 - (i) application is made to the court or to the presiding judge of the court;
 - (ii) all parties receive notice of the application and the time for the hearing; and
 - (iii) the judge conducts a hearing.
- (4) Any judgment or findings and conclusions issued as provided in this section may not be construed to bar or affect in any way any criminal prosecution of any candidate or other person.

Renumbered and Amended by Chapter 254, 2014 General Session