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**AMENDED CAMPAIGN FINANCIAL
STATEMENTS**

2010 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Sheryl L. Allen

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Government Operations and Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill modifies the campaign and financial reporting requirements by amending provisions related to filing an amended financial statement.

Highlighted Provisions:

This bill:

▶ provides that an amended financial statement may only be filed by the filing entity to comply with a notice from a chief election officer;

▶ provides that an amended financial statement may only be filed by candidates to correct an inadvertent omission or an insignificant error or inaccuracy in the financial statement;

▶ provides that an amended financial statement ~~H→ [whether filed separately or with the next scheduled report]~~ ←H must:

- include a brief statement summarizing the amendments;
- explain the reason for filing an amended financial statement; and
- clearly show the amendments being made with the amended financial statement;

~~H→ [and]~~

• be filed with the next scheduled report, unless the chief election officer requires an earlier filing; and ←H

H.B. 56



28 ▶ makes technical changes.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **20A-11-206**, as last amended by Laws of Utah 2009, Chapter 202

36 **20A-11-305**, as last amended by Laws of Utah 2009, Chapter 202

37 **20A-11-1305**, as last amended by Laws of Utah 2008, Chapter 14

38 **20A-12-306**, as enacted by Laws of Utah 2001, Chapter 166

39 ENACTS:

40 **20A-11-104**, Utah Code Annotated 1953



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **20A-11-104** is enacted to read:

44 **20A-11-104. Amended financial statements -- Requirements.**

45 (1) A filing entity may only file an amended financial statement in accordance with this
46 section to:

47 (a) comply with a notice of violation or complaint from a chief election officer in
48 accordance with this chapter or Section 20A-12-306; or

49 (b) correct an inadvertent omission or an insignificant error or inaccuracy in a financial
50 statement filed by the filing entity in accordance with:

51 (i) Section 20A-11-206 for a state office candidate;

52 (ii) Section 20A-11-305 for a legislative office candidate;

53 (iii) Section 20A-11-1305 for a school board office candidate; or

54 (iv) Section 20A-12-306 for a judicial retention candidate.

55 (2) A filing entity shall file an amended financial statement using the form required by
56 the chief election officer.

57 (3) An amended financial statement filed under this section ~~H~~→ [whether filed in a separate
58 amended report or filed with the next scheduled report] ←~~H~~ shall:

59 (a) include a brief statement summarizing the amendments to the original financial
 60 statement made by the amended financial statement;

61 (b) explain in detail the reason for filing an amended financial statement; ~~H~~→ [and] ←~~H~~

62 (c) clearly show the financial statement as originally submitted and the amendments
 63 made by the amended financial statement ~~H~~→ [:] and

63a (d) be filed with the next scheduled report, unless the chief election officer requires the
 63b filing entity to file an amended financial statement before the next scheduled report under this
 63c chapter or Section 20A-12-306. ←~~H~~

64 (4) This section does not affect a filing entity's responsibility to file a timely, completed
 65 financial statement that details accurately and completely the information required by this
 66 chapter or Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting Requirements for
 67 Judicial Retention Elections.

68 Section 2. Section 20A-11-206 is amended to read:

69 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

70 (1) (a) If a state office candidate fails to file an interim report due before the regular
 71 primary election, on August 31, or before the regular general election, the lieutenant governor
 72 shall, after making a reasonable attempt to discover if the report was timely mailed, inform the
 73 county clerk and other appropriate election officials who:

74 (i) shall, if practicable, remove the name of the candidate by blacking out the
 75 candidate's name before the ballots are delivered to voters; or

76 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform
 77 the voters by any practicable method that the candidate has been disqualified and that votes
 78 cast for the candidate will not be counted; and

79 (iii) may not count any votes for that candidate.

80 (b) Any state office candidate who fails to file timely a financial statement required by
 81 Section 20A-11-204 is disqualified and the vacancy on the ballot may be filled as provided in
 82 Section 20A-1-501.

83 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not
 84 disqualified if:

85 (i) the candidate files the reports required by this section no later than the due date;

86 (ii) those reports are completed, detailing accurately and completely the information
 87 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
 88 and

89 (iii) those omissions, errors, or inaccuracies are corrected in accordance with Section

90 20A-11-104 ~~H→ [in an amended report or in the next scheduled report] ←H~~ .

91 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
92 governor shall review each filed summary report to ensure that:

93 (i) each state office candidate that is required to file a summary report has filed one;
94 and

95 (ii) each summary report contains the information required by this part.

96 (b) If it appears that any state office candidate has failed to file the summary report
97 required by law, if it appears that a filed summary report does not conform to the law, or if the
98 lieutenant governor has received a written complaint alleging a violation of the law or the
99 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
100 violation or receipt of a written complaint, notify the state office candidate of the violation or
101 written complaint and direct the state office candidate to file a summary report correcting the
102 problem in accordance with Section 20A-11-104.

103 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
104 report within 14 days after receiving notice from the lieutenant governor under this section.

105 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B
106 misdemeanor.

107 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
108 attorney general.

109 Section 3. Section **20A-11-305** is amended to read:

110 **20A-11-305. Legislative office candidate -- Failure to file report -- Name not**
111 **printed on ballot -- Filling vacancy.**

112 (1) (a) If a legislative office candidate fails to file an interim report due before the
113 regular primary election, on August 31, or before the regular general election, the lieutenant
114 governor shall, after making a reasonable attempt to discover if the report was timely mailed,
115 inform the county clerk and other appropriate election officials who:

116 (i) shall, if practicable, remove the name of the candidate by blacking out the
117 candidate's name before the ballots are delivered to voters; or

118 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform
119 the voters by any practicable method that the candidate has been disqualified and that votes
120 cast for the candidate will not be counted; and

121 (iii) may not count any votes for that candidate.

122 (b) Any legislative office candidate who fails to file timely a financial statement
123 required by Section 20A-11-303 is disqualified and the vacancy on the ballot may be filled as
124 provided in Section 20A-1-501.

125 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not
126 disqualified if:

127 (i) the candidate files the reports required by this section no later than the due date;

128 (ii) those reports are completed, detailing accurately and completely the information
129 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
130 and

131 (iii) those omissions, errors, or inaccuracies are corrected in accordance with Section
132 20A-11-104 ~~H→ [in an amended report or in the next scheduled report]~~ ←H .

133 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
134 governor shall review each filed summary report to ensure that:

135 (i) each legislative office candidate that is required to file a summary report has filed
136 one; and

137 (ii) each summary report contains the information required by this part.

138 (b) If it appears that any legislative office candidate has failed to file the summary
139 report required by law, if it appears that a filed summary report does not conform to the law, or
140 if the lieutenant governor has received a written complaint alleging a violation of the law or the
141 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
142 violation or receipt of a written complaint, notify the legislative office candidate of the
143 violation or written complaint and direct the legislative office candidate to file a summary
144 report correcting the problem in accordance with Section 20A-11-104.

145 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a
146 summary report within 14 days after receiving notice from the lieutenant governor under this
147 section.

148 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a
149 class B misdemeanor.

150 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
151 attorney general.

152 Section 4. Section **20A-11-1305** is amended to read:

153 **20A-11-1305. School board office candidate -- Failure to file statement -- Name**
 154 **not printed on ballot -- Filling vacancy.**

155 (1) (a) If a school board office candidate fails to file an interim report due before the
 156 regular primary election, on August 31, and before the regular general election, the chief
 157 election officer shall, after making a reasonable attempt to discover if the report was timely
 158 mailed, inform the county clerk and other appropriate election officials who:

159 (i) shall, if practicable, remove the name of the candidate by blacking out the
 160 candidate's name before the ballots are delivered to voters; or

161 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform
 162 the voters by any practicable method that the candidate has been disqualified and that votes
 163 cast for candidate will not be counted; and

164 (iii) may not count any votes for that candidate.

165 (b) Any school board office candidate who fails to file timely a financial statement
 166 required by this part is disqualified and the vacancy on the ballot may be filled as provided in
 167 Section 20A-1-501.

168 (c) Notwithstanding Subsections (1)(a) and (1)(b), a school board office candidate is
 169 not disqualified if:

170 (i) the candidate files the reports required by this section;

171 (ii) those reports are completed, detailing accurately and completely the information
 172 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
 173 and

174 (iii) those omissions, errors, or inaccuracies are corrected in accordance with Section
 175 20A-11-104 ~~H~~→ [in an amended report or in the next scheduled report] ←~~H~~ .

176 (2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate
 177 for state school board, the lieutenant governor shall review each filed summary report to ensure
 178 that:

179 (i) each state school board candidate that is required to file a summary report has filed
 180 one; and

181 (ii) each summary report contains the information required by this part.

182 (b) If it appears that any state school board candidate has failed to file the summary

183 report required by law, if it appears that a filed summary report does not conform to the law, or
184 if the lieutenant governor has received a written complaint alleging a violation of the law or the
185 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
186 violation or receipt of a written complaint, notify the state school board candidate of the
187 violation or written complaint and direct the state school board candidate to file a summary
188 report correcting the problem in accordance with Section 20A-11-104.

189 (c) (i) It is unlawful for any state school board candidate to fail to file or amend a
190 summary report within 14 days after receiving notice from the lieutenant governor under this
191 section.

192 (ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a
193 class B misdemeanor.

194 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
195 attorney general.

196 (3) (a) Within 30 days after a deadline for the filing of a summary report, the county
197 clerk shall review each filed summary report to ensure that:

198 (i) each local school board candidate that is required to file a summary report has filed
199 one; and

200 (ii) each summary report contains the information required by this part.

201 (b) If it appears that any local school board candidate has failed to file the summary
202 report required by law, if it appears that a filed summary report does not conform to the law, or
203 if the county clerk has received a written complaint alleging a violation of the law or the falsity
204 of any summary report, the county clerk shall, within five days of discovery of a violation or
205 receipt of a written complaint, notify the local school board candidate of the violation or
206 written complaint and direct the local school board candidate to file a summary report
207 correcting the problem in accordance with Section 20A-11-104.

208 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a
209 summary report within 14 days after receiving notice from the county clerk under this section.

210 (ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a
211 class B misdemeanor.

212 (iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or
213 county attorney.

214 Section 5. Section **20A-12-306** is amended to read:

215 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

216 (1) (a) If a judge's personal campaign committee fails to file the interim report due
217 before the regular general election, the lieutenant governor shall, after making a reasonable
218 attempt to discover if the report was timely mailed, inform the county clerk and other
219 appropriate election officials who:

220 (i) shall, if practicable, remove the name of the judge by blacking out the judge's name
221 before the ballots are delivered to voters; or

222 (ii) shall, if removing the judge's name from the ballot is not practicable, inform the
223 voters by any practicable method that the judge has been disqualified and that votes cast for the
224 judge will not be counted; and

225 (iii) may not count any votes for that judge.

226 (b) Any judge who fails to file timely a financial statement required by this part is
227 disqualified.

228 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified if:

229 (i) the candidate files the reports required by this section;

230 (ii) those reports are completed, detailing accurately and completely the information
231 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
232 and

233 (iii) those omissions, errors, or inaccuracies are corrected in accordance with Section

234 20A-11-104 ~~H→ [in an amended report or in the next scheduled report]~~ ←H .

235 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
236 governor shall review each filed summary report to ensure that:

237 (i) each judge that is required to file a summary report has filed one; and

238 (ii) each summary report contains the information required by this part.

239 (b) If it appears that any judge has failed to file the summary report required by law, if
240 it appears that a filed summary report does not conform to the law, or if the lieutenant governor
241 has received a written complaint alleging a violation of the law or the falsity of any summary
242 report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a
243 written complaint, notify the judge of the violation or written complaint and direct the judge to
244 file a summary report correcting the problem in accordance with Section 20A-11-104.

245 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14
246 days after receiving notice from the lieutenant governor under this section.

247 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

248 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
249 attorney general.

Legislative Review Note
as of 11-18-09 12:03 PM

Office of Legislative Research and General Counsel

H.B. 56 - Amended Campaign Financial Statements

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
