

**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 whether filed separately or with the next scheduled report 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;

and



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 whether filed in a separate  
58 amended report or filed with the next scheduled report 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; and

62 (c) clearly show the financial statement as originally submitted and the amendments  
63 made by the amended financial statement.

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 in an amended report or in the next scheduled report.

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 in an amended report or in the next scheduled report.

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 in an amended report or in the next scheduled report.

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 in an amended report or in the next scheduled report.

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.

---