

Senator Sheldon L. Killpack proposes the following substitute bill:

CAMPAIGN FINANCE DISCLOSURE IN

MUNICIPAL ELECTIONS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: John Dougall

LaVar Christensen

Gregory H. Hughes

LONG TITLE

General Description:

This bill modifies provisions of the Utah Municipal Code relating to campaign finance disclosure requirements.

Highlighted Provisions:

This bill:

- ▶ repeals, reenacts, and modifies a provision relating to municipal campaign finance disclosure;

- ▶ eliminates certain exemptions from campaign finance disclosure provisions and makes the requirements applicable to candidates in all municipalities;

- ▶ modifies reporting requirements; and

- ▶ requires the municipal clerk to notify candidates of disclosure requirements and that the candidate's name will be removed from the ballot if the candidate does not file the required report.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 REPEALS AND REENACTS:

28 **10-3-208**, as last amended by Chapters 215 and 292, Laws of Utah 2003



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

31 Section 1. Section **10-3-208** is repealed and reenacted to read:

32 **10-3-208. Campaign finance statement in municipal election.**

33 (1) As used in this section:

34 (a) "Reporting date" means:

35 (i) ten days before a municipal general election, for a campaign finance statement

36 required to be filed no later than seven days before a municipal general election; and

37 (ii) the day of filing, for a campaign finance statement required to be filed no later than

38 30 days after a municipal primary or general election.

39 (b) "Reporting limit" means:

40 (i) \$50; or

41 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

42 (2) (a) (i) Each candidate for municipal office who is not eliminated at a municipal

43 primary election shall file with the municipal clerk or recorder a campaign finance statement:

44 (A) no later than seven days before the municipal general election; and

45 (B) no later than 30 days after the municipal general election.

46 (ii) Each candidate for municipal office who is eliminated at a municipal primary

47 election shall file with the municipal clerk or recorder a campaign finance statement no later

48 than 30 days after the municipal primary election.

49 (b) Each campaign finance statement under Subsection (2)(a) shall:

50 (i) except as provided in Subsection (2)(b)(ii):

51 (A) report all of the candidate's itemized and total:

52 (I) campaign contributions, including in-kind and other nonmonetary contributions, as

53 of the reporting date; and

54 (II) campaign expenditures as of the reporting date; and

55 (B) identify:

56 (I) for each contribution that exceeds the reporting limit, the amount of the contribution

57 and the name of the donor;

58 (II) the aggregate total of all contributions that individually do not exceed the reporting
59 limit; and

60 (III) for each campaign expenditure, the amount of the expenditure and the name of the
61 recipient of the expenditure; or

62 (ii) report the total amount of all campaign contributions and expenditures, if the
63 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the
64 candidate's campaign.

65 (3) (a) A municipality may, by ordinance:

66 (i) provide a reporting limit lower than \$50;

67 (ii) require greater disclosure of campaign contributions and expenditures than is
68 required in this section; and

69 (iii) impose additional penalties on candidates who fail to comply with the applicable
70 requirements beyond those imposed by this section.

71 (b) A candidate for municipal office is subject to the provisions of this section and not
72 the provisions of an ordinance adopted by the municipality under Subsection (3)(a) if:

73 (i) the municipal ordinance establishes requirements or penalties that differ from those
74 established in this section; and

75 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
76 ordinance as required in Subsection (4).

77 (4) Each municipal clerk or recorder shall, at the time the candidate for municipal
78 office files a declaration of candidacy and again 14 days before each municipal general
79 election, notify the candidate in writing of:

80 (a) the provisions of statute or municipal ordinance governing the disclosure of
81 campaign contributions and expenditures;

82 (b) the dates when the candidate's campaign finance statement is required to be filed;
83 and

84 (c) the penalties that apply for failure to file a timely campaign finance statement,
85 including the statutory provision that requires removal of the candidate's name from the ballot
86 for failure to file the required campaign finance statement when required.

87 (5) Notwithstanding any provision of Title 63, Chapter 2, Government Records Access

88 and Management Act, the municipal clerk or recorder shall make each campaign finance
89 statement filed by a candidate available for public inspection and copying no later than one
90 business day after the statement is filed.

91 (6) (a) If a candidate fails to file a campaign finance statement before the municipal
92 general election by the deadline specified in Subsection (2)(a)(i)(A), the municipal clerk or
93 recorder shall inform the appropriate election official who:

94 (i) shall:

95 (A) if practicable, remove the candidate's name from the ballot by blacking out the
96 candidate's name before the ballots are delivered to voters; or

97 (B) if removing the candidate's name from the ballot is not practicable, inform the
98 voters by any practicable method that the candidate has been disqualified and that votes cast for
99 the candidate will not be counted; and

100 (ii) may not count any votes for that candidate.

101 (b) Notwithstanding Subsection (6)(a), a candidate who files a campaign finance
102 statement seven days before a municipal general election is not disqualified if:

103 (i) the statement details accurately and completely the information required under
104 Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

105 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the
106 next scheduled report.

107 (7) A campaign finance statement required under this section is considered filed if it is
108 received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

109 (8) (a) A private party in interest may bring a civil action in district court to enforce the
110 provisions of this section or an ordinance adopted under this section.

111 (b) In a civil action under Subsection (8)(a), the court may award costs and attorney's
112 fees to the prevailing party.