

CITY AND TOWN CAMPAIGN FINANCE

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: John W. Hickman

AN ACT RELATING TO THE MUNICIPAL CODE; ELIMINATING THE CAMPAIGN FINANCE DISCLOSURE EXEMPTION FOR CITIES WITH A POPULATION UNDER 10,000 AND TOWNS, WITH LIMITATIONS; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-3-208, as last amended by Chapter 130, Laws of Utah 1997

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

Section 1. Section **10-3-208** is amended to read:

10-3-208. Campaign financial disclosure in municipal elections.

(1) (a) (i) By August 1, 1995, each first and second class city and each third class city having a population of 10,000 or more shall adopt an ordinance establishing campaign finance disclosure requirements for candidates for city office.

(ii) By August 1, 2001, each third class city with a population under 10,000 and each town shall adopt an ordinance establishing campaign finance disclosure requirements for candidates for city or town office who:

(A) receive more than \$750 in campaign contributions; or

(B) spend more than \$750 on their campaign for city or town office.

(b) The ordinance required under Subsection (1)(a) shall include:

(i) a requirement that each candidate for municipal office to whom the ordinance applies report ~~his~~ the candidate's itemized and total campaign contributions and expenditures at least once seven days before the municipal general election and at least once 30 days after the municipal general election;

(ii) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary contributions such as in-kind contributions and contributions of tangible things; and

(iii) a requirement that the financial reports identify:

(A) for each contribution of more than \$50, the name of the donor of the contribution and the amount of the contribution; and

(B) for each expenditure, the name of the recipient and the amount of the expenditure.

(2) (a) Except as provided in Subsection ~~(2)~~(b), if ~~[any first or second class city, or any third class city having a population of 10,000 or more,]~~ a city or town fails to adopt a campaign finance disclosure ordinance ~~[by August 1, 1995]~~ as required under Subsection (1), candidates for office in ~~[those cities]~~ that city or town shall comply with the financial reporting requirements contained in Subsections (3) through (6).

(b) (i) If ~~[, after August 1, 1995, a first or second class city or third class city having a population of 10,000 or more]~~ a city or town adopts a campaign finance disclosure ordinance that meets the requirements of Subsection (1), that city or town need not comply with the requirements of Subsections (3) through (6).

(ii) Subsection (2)(a) and the financial reporting requirements of Subsections (3) through (6) do not apply to a candidate for municipal office who:

(A) is a candidate for municipal office in a city with a population under 10,000 or a town; and

(B) (I) receives \$750 or less in campaign contributions; and

(II) spends \$750 or less on the candidate's campaign for municipal office.

(3) If there is no municipal ordinance meeting the requirements of this section upon the dates specified in Subsection (1), each candidate for elective ~~[office in any first or second class city, or third class city having a population of 10,000 or more,]~~ municipal office shall file a signed campaign financial statement with the city recorder:

(a) seven days before the date of the municipal general election, reporting each contribution of more than \$50 and each expenditure as of ten days before the date of the municipal general election; and

(b) no later than 30 days after the date of the municipal general election.

(4) (a) The statement filed seven days before the municipal general election shall include:

(i) a list of each contribution of more than \$50 received by the candidate, and the name of the donor;

(ii) an aggregate total of all contributions of \$50 or less received by the candidate; and
(iii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

(b) The statement filed 30 days after the municipal general election shall include:

(i) a list of each contribution of more than \$50 received after the cutoff date for the statement filed seven days before the election, and the name of the donor;

(ii) an aggregate total of all contributions of \$50 or less received by the candidate after the cutoff date for the statement filed seven days before the election; and

(iii) a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.

(5) Candidates for elective [~~office in any first or second class city, or any third class city having a population of 10,000 or more, who~~] municipal office who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.

(6) Any person who fails to comply with this section is guilty of an infraction.

(7) [~~Cities~~] A city or town may, by ordinance, enact requirements that:

(a) require greater disclosure of campaign contributions and expenditures; and

(b) impose additional penalties.