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1 **CITY AND TOWN CAMPAIGN FINANCE**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: John W. Hickman**

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

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

9 AMENDS:

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

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

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

13 **10-3-208. Campaign financial disclosure in municipal elections.**

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

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

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

21 (i) a requirement that each candidate for municipal office report [his] the candidate's
22 itemized and total campaign contributions and expenditures at least once seven days before the
23 municipal general election and at least once 30 days after the municipal general election;

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

26 (iii) a requirement that the financial reports identify:

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

28 the amount of the contribution; and

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

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

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

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

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

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

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

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

50 (ii) an aggregate total of all contributions of \$50 or less received by the candidate; and

51 (iii) a list of each expenditure for political purposes made during the campaign period, and
52 the recipient of each expenditure.

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

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

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

58 (iii) a list of all expenditures for political purposes made by the candidate after the cutoff

59 date for the statement filed seven days before the election, and the recipient of each expenditure.

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

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

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

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

67 (b) impose additional penalties.

Legislative Review Note

as of 1-19-00 4:41 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel