



28 least once seven days before the municipal general election and at least once 30 days after the  
29 municipal general election;

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

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

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

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

37 (2) (a) Except as provided in Subsection (2)(b), if a city or town fails to adopt a  
38 campaign finance disclosure ordinance as required under Subsection (1), candidates for office  
39 in that city or town shall comply with the financial reporting requirements contained in  
40 Subsections (3) through (6).

41 (b) (i) If a city or town adopts a campaign finance disclosure ordinance that meets the  
42 requirements of Subsection (1), that city or town need not comply with the requirements of  
43 Subsections (3) through (6).

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

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

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

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

50 (3) If there is no municipal ordinance meeting the requirements of this section upon the  
51 dates specified in Subsection (1), each candidate for elective municipal office shall file a signed  
52 campaign financial statement with the city recorder:

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

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

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

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

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

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

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

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

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

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

72 (5) Candidates for elective municipal office who are eliminated at a primary election  
73 shall file a signed campaign financial statement containing the information required by this  
74 section not later than 30 days after the primary election.

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

76 (7) A city or town may, by ordinance, enact requirements that:

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

78 (b) impose additional penalties.

79 (8) (a) If a candidate fails to file an interim report due before the municipal general  
80 election, the city recorder shall, after making a reasonable attempt to discover if the report was  
81 timely mailed, inform the appropriate election officials who:

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

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

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

88 (b) Notwithstanding Subsection (8)(a), a candidate is not disqualified if:

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

90 (ii) those reports are completed, detailing accurately and completely the information  
91 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;  
92 and

93 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in  
94 the next scheduled report.

95 (c) A report is considered filed if:

96 (i) it is received in the municipal recorder's office no later than 5 p.m. on the date that it  
97 is due;

98 (ii) it is received in the municipal recorder's office with a postmark three days or more  
99 before the date that the report was due; or

100 (iii) the candidate has proof that the report was mailed, with appropriate postage and  
101 addressing, three days before the report was due.

102 (9) (a) Any private party in interest may bring a civil action in district court to enforce  
103 the provisions of this section or any ordinance adopted under this section.

104 (b) In a civil action filed under Subsection (9)(a), the court may award costs and  
105 attorney's fees to the prevailing party.

106 Section 2. Section **17-16-6.5** is amended to read:

107 **17-16-6.5. Campaign financial disclosure in county elections.**

108 (1) (a) By January 1, 1996, each county shall adopt an ordinance establishing campaign  
109 finance disclosure requirements for candidates for county office.

110 (b) The ordinance shall include:

111 (i) a requirement that each candidate for county office report his itemized and total  
112 campaign contributions and expenditures at least once within the two weeks before the election  
113 and at least once within two months after the election;

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

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

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

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

121 (2) (a) Except as provided in Subsection (2)(b), if any county fails to adopt a campaign  
122 finance disclosure ordinance by January 1, 1996, candidates for county office shall comply  
123 with the financial reporting requirements contained in Subsections (3) through (6).

124 (b) If, after August 1, 1995, any county adopts a campaign finance ordinance meeting  
125 the requirements of Subsection (1), that county need not comply with the requirements of  
126 Subsections (3) through (6).

127 (3) (a) Except as provided in Subsection (3)(b), and if there is no county ordinance  
128 meeting the requirements of this section, each candidate for elective office in any county who  
129 is not required to submit a campaign financial statement to the lieutenant governor shall file a  
130 signed campaign financial statement with the county clerk:

131 (i) seven days before the date of the regular general election, reporting each  
132 contribution of more than \$50 and each expenditure as of ten days before the date of the regular  
133 general election; and

134 (ii) no later than 30 days after the date of the regular general election.

135 (b) Candidates for community council offices are exempt from the requirements of this  
136 section.

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

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

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

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

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

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

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

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

151 (5) Candidates for elective office in any county who are eliminated at a primary

152 election shall file a signed campaign financial statement containing the information required by  
153 this section not later than 30 days after the primary election.

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

155 (7) Counties may, by ordinance, enact requirements that:

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

157 (b) impose additional penalties.

158 (8) (a) If a candidate fails to file an interim report due before the election, the county  
159 clerk shall, after making a reasonable attempt to discover if the report was timely mailed,  
160 inform the appropriate election officials who:

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

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

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

167 (b) Notwithstanding Subsection (8)(a), a candidate is not disqualified if:

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

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

172 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in  
173 the next scheduled report.

174 (c) A report is considered filed if:

175 (i) it is received in the county clerk's office no later than 5 p.m. on the date that it is  
176 due;

177 (ii) it is received in the county clerk's office with a § U.S. POSTAL SERVICE § postmark  
177a three days or more before  
178 the date that the report was due; or

179 (iii) the candidate has proof that the report was mailed, with appropriate postage and  
180 addressing, three days before the report was due.

181 (9) (a) Any private party in interest may bring a civil action in district court to enforce  
182 the provisions of this section or any ordinance adopted under this section.

183 (b) In a civil action filed under Subsection (9)(a), the court shall award costs and  
 184 attorney's fees to the prevailing party.

185 Section 3. Section **20A-11-1305** is amended to read:

186 **20A-11-1305. School board office candidate -- Failure to file statement -- Name**  
 187 **not printed on ballot -- Filling vacancy.**

188 (1) (a) If a school board office candidate fails to file an interim report due before the  
 189 regular primary election, September 15, and before the regular general election, the chief  
 190 election officer shall, after making a reasonable attempt to discover if the report was timely  
 191 mailed, inform the county clerk and other appropriate election officials who:

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

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

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

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

201 (c) Notwithstanding Subsection (1)(a) and (1)(b), a school board office candidate is not  
 202 disqualified if:

203 (i) the candidate~~[, in good faith: (i)]~~ files the reports required by this section ~~[on time~~  
 204 ~~even if an error or inaccuracy in the report requires the school board office candidate to file an~~  
 205 ~~amended report after the deadline; and];~~

206 ~~[(ii) the error is]~~

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

210 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in  
 211 the next scheduled report.

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

214 that:

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

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

218 (b) If it appears that any state school board candidate has failed to file the summary  
219 report required by law, if it appears that a filed summary report does not conform to the law, or  
220 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
221 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
222 violation or receipt of a written complaint, notify the state school board candidate of the  
223 violation or written complaint and direct the state school board candidate to file a summary  
224 report correcting the problem.

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

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

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

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

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

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

237 (b) If it appears that any local school board candidate has failed to file the summary  
238 report required by law, if it appears that a filed summary report does not conform to the law, or  
239 if the county clerk has received a written complaint alleging a violation of the law or the falsity  
240 of any summary report, the county clerk shall, within five days of discovery of a violation or  
241 receipt of a written complaint, notify the local school board candidate of the violation or  
242 written complaint and direct the local school board candidate to file a summary report  
243 correcting the problem.

244 (c) (i) It is unlawful for any local school board candidate to fail to file or amend a



245 summary report within 14 days after receiving notice from the county clerk under this section.

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

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

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**Legislative Review Note**

as of 2-4-03 7:37 AM

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0196**

**Election Law - Disclosure Requirements**

*11-Feb-03*  
*4:25 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**