

28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

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) Each first, second, third, and fourth class]~~ A city [shall] or town may adopt an ordinance establishing campaign finance disclosure requirements for candidates for [city] municipal office.

~~[(ii) Each fifth class city and 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]~~ If a city or town adopts an ordinance under Subsection (1)(a), the ordinance shall include:

(i) a requirement that each candidate for municipal office to whom the ordinance applies [report the candidate's itemized and total campaign contributions and expenditures at least once] file a signed campaign finance statement seven days before the municipal primary election, seven days before the municipal general election, and [at least once] no later than 30 days after the municipal general election[;], reporting the candidate's itemized and total campaign contributions and expenditures as of:

(A) for a statement required to be filed seven days before a municipal primary or general election, ten days before the election; and

(B) for a statement required to be filed no later than 30 days after the municipal general election, the date of the report;

(ii) a requirement that each candidate for municipal office eliminated at a municipal primary election file a signed campaign finance statement containing the information required by this section no later than 30 days after the municipal primary election;

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

~~[(iii)]~~ (iv) a requirement that the financial reports identify:

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

59 and the amount of the contribution; ~~and]~~

60 (B) the aggregate total of all contributions of \$50 or less; and

61 ~~[(B)] (C)~~ for each expenditure, the name of the recipient and the amount of the
62 expenditure.

63 (2) (a) Except as provided in Subsection (2)(b), if a city or town fails to adopt a
64 campaign finance disclosure ordinance as ~~required]~~ provided under Subsection (1), candidates
65 for office in that city or town shall comply with the financial reporting requirements contained
66 in Subsections (3) through ~~[(6)] (5)~~.

67 (b) ~~[(i)]~~ If a city or town adopts a campaign finance disclosure ordinance that meets the
68 requirements of Subsection (1), that city or town need not comply with the requirements of
69 Subsections (3) through ~~[(6)] (5)~~.

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

72 ~~[(A) is a candidate for municipal office in a fifth class city or a town; and]~~

73 ~~[(B) (i) receives \$750 or less in campaign contributions; and]~~

74 ~~[(ii) spends \$750 or less on the candidate's campaign for municipal office.]~~

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

78 (a) seven days before the date of the municipal primary election and seven days before
79 the date of the municipal general election, reporting each contribution of more than \$50 and
80 each expenditure as of ten days before the date of the applicable municipal ~~[general]~~ election;
81 and

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

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

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

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

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

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

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

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

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

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

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

102 (6) Each municipal clerk or recorder shall, at the time the candidate for municipal
103 office files a declaration of candidacy and again 14 days before each municipal primary
104 election and each municipal general election, notify the candidate of:

105 (a) the provisions of statute or of the municipal ordinance governing campaign finance
106 disclosure; and

107 (b) the statutory provisions that require removal of the candidate's name from the ballot
108 for failure to file the required campaign finance statement when required.

109 (7) Notwithstanding any provision of Title 63, Chapter 2, Government Records Access
110 and Management Act, the municipal clerk or recorder shall make each campaign finance
111 statement filed by a candidate available for public inspection and copying no later than one
112 business day after the statement is filed.

113 [~~(7)~~] (8) A city or town may, by ordinance, enact requirements that:

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

115 (b) impose additional penalties.

116 [~~(8)~~] (9) (a) If a candidate fails to file an interim report due before the municipal
117 primary election or the municipal general election, the [city] municipal clerk or recorder shall[;
118 after making a reasonable attempt to discover if the report was timely mailed;] inform the
119 appropriate election officials who:

120 (i) shall, if practicable, remove the name of the candidate by blacking out the

121 candidate's name before the ballots are delivered to voters; or
 122 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform
 123 the voters by any practicable method that the candidate has been disqualified and that votes
 124 cast for the candidate will not be counted; and
 125 (iii) may not count any votes for that candidate.
 126 (b) Notwithstanding Subsection ~~[(8)]~~ (9)(a), a candidate is not disqualified if:
 127 (i) the candidate files the reports required by this section;
 128 (ii) those reports are completed, detailing accurately and completely the information
 129 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;
 130 and
 131 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
 132 the next scheduled report.
 133 (c) A report is considered filed if ~~[(i)]~~ it is received in the municipal recorder's office
 134 no later than 5 p.m. on the date that it is due ~~[-]~~.
 135 ~~[(ii) it is received in the municipal recorder's office with a postmark three days or more~~
 136 ~~before the date that the report was due; or]~~
 137 ~~[(iii) the candidate has proof that the report was mailed, with appropriate postage and~~
 138 ~~addressing, three days before the report was due.]~~
 139 ~~[(9)]~~ (10) (a) Any private party in interest may bring a civil action in district court to
 140 enforce the provisions of this section or any ordinance adopted under this section.
 141 (b) In a civil action filed under Subsection (9)(a), the court may award costs and
 142 attorney's fees to the prevailing party.

Legislative Review Note
 as of 1-29-04 12:16 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0137

Campaign Finance Disclosure in Municipal Elections

11-Feb-04

9:58 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst