

**Representative John Dougall** 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

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ eliminates certain exemptions from campaign finance disclosure provisions and makes the requirements applicable to candidates in all municipalities;
- ▶ requires a disclosure report to be filed before a municipal primary election;
- ▶ 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

**Utah Code Sections Affected:**



26 AMENDS:

27 **10-3-208**, as last amended by Chapters 215 and 292, Laws of Utah 2003

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

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

31 **10-3-208. Campaign financial disclosure in municipal elections.**

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

35 ~~[(ii) Each fifth class city and town shall adopt an ordinance establishing campaign  
36 finance disclosure requirements for candidates for city or town office who:]~~

37 ~~[(A) receive more than \$750 in campaign contributions; or]~~

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

39 (b) ~~[The ordinance required]~~ If a city or town adopts an ordinance under Subsection  
40 (1)(a), the ordinance shall include:

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

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

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

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

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

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

57 (A) except as provided in Subsection (1)(b)(iv)(B):  
 58 (I) for each contribution of an amount specified in the ordinance but not more than \$50,  
 59 the name of the donor of the contribution and the amount of the contribution; [and]  
 60 (II) the aggregate total of all contributions up to an amount specified in the ordinance  
 61 but not more than \$50; and  
 62 [~~(B)~~] (III) for each expenditure, the name of the recipient and the amount of the  
 63 expenditure[-]; or  
 64 (B) if the candidate received \$750 or less in campaign contributions and spent \$750 or  
 65 less on the candidate's campaign, the total amount of campaign contributions and expenditures.  
 66 (2) (a) Except as provided in Subsection (2)(b), if a city or town fails to adopt a  
 67 campaign finance disclosure ordinance as [~~required~~] provided under Subsection (1),  
 68 [~~candidates~~] each candidate for office in that city or town shall comply with the financial  
 69 reporting requirements contained in Subsections (3) through [~~(6)~~] (5).  
 70 (b) [~~(i)~~] If a city or town adopts a campaign finance disclosure ordinance that meets the  
 71 requirements of Subsection (1), a candidate for office in that city or town need not comply with  
 72 the requirements of Subsections (3) through [~~(6)~~] (5).  
 73 [~~(ii) Subsection (2)(a) and the financial reporting requirements of Subsections (3)~~  
 74 ~~through (6) do not apply to a candidate for municipal office who:]~~  
 75 [~~(A) is a candidate for municipal office in a fifth class city or a town; and]~~  
 76 [~~(B) (I) receives \$750 or less in campaign contributions; and]~~  
 77 [~~(H) spends \$750 or less on the candidate's campaign for municipal office.]~~  
 78 (3) If there is no municipal ordinance meeting the requirements of this section upon the  
 79 dates specified in Subsection (1) or if the municipal clerk or recorder fails to notify the  
 80 candidate as required under Subsection (6), each candidate for elective municipal office shall  
 81 file a signed campaign financial statement with the city recorder:  
 82 (a) seven days before the date of the municipal general election, reporting each  
 83 contribution of more than \$50 and each expenditure as of ten days before the date of the  
 84 municipal general election; and  
 85 (b) no later than 30 days after the date of the municipal general election.  
 86 (4) (a) The statement filed seven days before the municipal general election shall  
 87 include:

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

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

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

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

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

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

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

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

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

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

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

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

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

116 [~~(7)~~] (8) A city or town may, by ordinance, enact requirements that:

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

118 (b) impose additional penalties.

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

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

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

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

128           (b) Notwithstanding Subsection ~~[(8)]~~ (9)(a), a candidate is not disqualified if:

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

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

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

135           (c) A report is considered filed if~~[-(i)]~~ it is received in the municipal recorder's office  
136 no later than 5 p.m. on the date that it is due~~[-];~~.

137           ~~[(ii) it is received in the municipal recorder's office with a postmark three days or more~~  
138 ~~before the date that the report was due; or]~~

139           ~~[(iii) the candidate has proof that the report was mailed, with appropriate postage and~~  
140 ~~addressing, three days before the report was due.]~~

141           ~~[(9)]~~ (10) (a) Any private party in interest may bring a civil action in district court to  
142 enforce the provisions of this section or any ordinance adopted under this section.

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