

MUNICIPAL ELECTION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keith Grover

LONG TITLE

General Description:

This bill defines terms relating to campaign finance statements in a municipal election.

Highlighted Provisions:

This bill:

- ▶ defines "reporting limit"; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-208, as last amended by Laws of Utah 2008, Chapters 49 and 382

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 finance statement in municipal election.

(1) As used in this section:

(a) "Reporting date" means:

(i) 10 days before a municipal general election, for a campaign finance statement



28 required to be filed no later than seven days before a municipal general election; and
29 (ii) the day of filing, for a campaign finance statement required to be filed no later than
30 30 days after a municipal primary or general election.

31 (b) "Reporting limit" means for each calendar year:

32 (i) \$50; or

33 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

34 (2) (a) (i) Each candidate for municipal office who is not eliminated at a municipal
35 primary election shall file with the municipal clerk or recorder a campaign finance statement:

36 (A) no later than seven days before the date of the municipal general election; and

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

38 (ii) Each candidate for municipal office who is eliminated at a municipal primary
39 election shall file with the municipal clerk or recorder a campaign finance statement no later
40 than 30 days after the date of the municipal primary election.

41 (b) Each campaign finance statement under Subsection (2)(a) shall:

42 (i) except as provided in Subsection (2)(b)(ii):

43 (A) report all of the candidate's itemized and total:

44 (I) campaign contributions, including in-kind and other nonmonetary contributions,
45 received before the close of the reporting date; and

46 (II) campaign expenditures made through the close of the reporting date; and

47 (B) identify:

48 (I) for each contribution that exceeds the reporting limit, the amount of the contribution
49 and the name of the donor;

50 (II) the aggregate total of all contributions that individually do not exceed the reporting
51 limit; and

52 (III) for each campaign expenditure, the amount of the expenditure and the name of the
53 recipient of the expenditure; or

54 (ii) report the total amount of all campaign contributions and expenditures if the
55 candidate receives \$500 or less in campaign contributions and spends \$500 or less on the
56 candidate's campaign.

57 (3) (a) A municipality may, by ordinance:

58 (i) provide a reporting limit lower than \$50;

59 (ii) require greater disclosure of campaign contributions and expenditures than is
60 required in this section; and

61 (iii) impose additional penalties on candidates who fail to comply with the applicable
62 requirements beyond those imposed by this section.

63 (b) A candidate for municipal office is subject to the provisions of this section and not
64 the provisions of an ordinance adopted by the municipality under Subsection (3)(a) if:

65 (i) the municipal ordinance establishes requirements or penalties that differ from those
66 established in this section; and

67 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
68 ordinance as required in Subsection (4).

69 (4) Each municipal clerk or recorder shall, at the time the candidate for municipal
70 office files a declaration of candidacy, and again 14 days before each municipal general
71 election, notify the candidate in writing of:

72 (a) the provisions of statute or municipal ordinance governing the disclosure of
73 campaign contributions and expenditures;

74 (b) the dates when the candidate's campaign finance statement is required to be filed;
75 and

76 (c) the penalties that apply for failure to file a timely campaign finance statement,
77 including the statutory provision that requires removal of the candidate's name from the ballot
78 for failure to file the required campaign finance statement when required.

79 (5) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
80 Access and Management Act, the municipal clerk or recorder shall:

81 (a) make each campaign finance statement filed by a candidate available for public
82 inspection and copying no later than one business day after the statement is filed; and

83 (b) make the campaign finance statement filed by a candidate available for public
84 inspection by:

85 (i) (A) posting an electronic copy or the contents of the statement on the municipality's
86 website no later than seven business days after the statement is filed; and

87 (B) verifying that the address of the municipality's website has been provided to the
88 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

89 (ii) submitting a copy of the statement to the lieutenant governor for posting on the

90 website established by the lieutenant governor under Section 20A-11-103 no later than two
91 business days after the statement is filed.

92 (6) (a) If a candidate fails to file a campaign finance statement before the municipal
93 general election by the deadline specified in Subsection (2)(a)(i)(A), the municipal clerk or
94 recorder shall inform the appropriate election official who:

95 (i) shall:

96 (A) if practicable, remove the candidate's name from the ballot by blacking out the
97 candidate's name before the ballots are delivered to voters; or

98 (B) if removing the candidate's name from the ballot is not practicable, inform the
99 voters by any practicable method that the candidate has been disqualified and that votes cast for
100 the candidate will not be counted; and

101 (ii) may not count any votes for that candidate.

102 (b) Notwithstanding Subsection (6)(a), a candidate who files a campaign finance
103 statement seven days before a municipal general election is not disqualified if:

104 (i) the statement details accurately and completely the information required under
105 Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

106 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the
107 next scheduled report.

108 (7) A campaign finance statement required under this section is considered filed if it is
109 received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

110 (8) (a) A private party in interest may bring a civil action in district court to enforce the
111 provisions of this section or an ordinance adopted under this section.

112 (b) In a civil action under Subsection (8)(a), the court may award costs and [attorney's]
113 attorney fees to the prevailing party.

Legislative Review Note
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Office of Legislative Research and General Counsel