

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **10-3-208**, as last amended by Laws of Utah 2012, Chapters 190, 190, 230, and 230

33 ENACTS:

34 **10-3-209**, Utah Code Annotated 1953

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

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

38 **10-3-208. Campaign finance disclosure in municipal election.**

39 (1) ~~[As used in]~~ Unless a municipality adopts by ordinance more stringent definitions,  
40 the following are defined terms for purposes of this section:

41 ~~[(a) "Reporting date" means:]~~

42 ~~[(i) 10 days before a municipal general election, for a campaign finance statement~~  
43 ~~required to be filed no later than seven days before a municipal general election; and]~~

44 ~~[(ii) the day of filing, for a campaign finance statement required to be filed no later~~  
45 ~~than 30 days after a municipal primary or general election.]~~

46 (a) "Agent of a candidate" means:

47 (i) a person acting on behalf of a candidate at the direction of the reporting entity;

48 (ii) a person employed by a candidate in the candidate's capacity as a candidate;

49 (iii) the personal campaign committee of a candidate;

50 (iv) a member of the personal campaign committee of a candidate in the member's  
51 capacity as a member of the personal campaign committee of the candidate; or

52 (v) a political consultant of a candidate.

53 (b) ~~H~~→ (i) ←~~H~~ "Candidate" means a person who:

54 ~~H~~→ [(i)] (A) ←~~H~~ files a declaration of candidacy for municipal office; or

55 ~~H~~→ [(iii)] (B) ←~~H~~ receives contributions, makes expenditures, or gives consent for  
55a any other person to

56 receive contributions or make expenditures to bring about the person's nomination or election  
57 to a municipal office.

57a ~~H~~→ (ii) "Candidate" does not mean a person who files for the office of judge. ←~~H~~

58 (c) (i) "Contribution" means any of the following when done for political purposes:

121 (ii) a committee appointed by a candidate to act for the candidate;  
 122 ~~H→ [(iii) a judge;~~  
 123 ~~———— (iv) a judge's personal campaign committee as defined in Section 20A-11-101;~~  
 124 ~~———— (v) [(iii) ←H a person who holds an elected municipal office;~~  
 125 ~~H→ [(vii) (iv) ←H a party committee as defined in Section 20A-11-101;~~  
 126 ~~H→ [(viii) (v) ←H a political action committee as defined in Section 20A-11-101;~~  
 127 ~~H→ [(viii) (vi) ←H a political issues committee as defined in Section 20A-11-101;~~  
 128 ~~H→ [(ix) (vii) ←H a corporation as defined in Section 20A-11-101; or~~  
 129 ~~H→ [(x) (viii) ←H a labor organization as defined in Section 20A-11-1501.~~  
 130 [(b)] (j) "Reporting limit" means for each calendar year:  
 131 (i) \$50; or  
 132 (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.  
 133 (2) (a) A municipality may adopt an ordinance establishing campaign finance  
 134 disclosure requirements for a candidate that are more stringent than the requirements provided  
 135 in Subsections (3) and (4).  
 136 (b) The municipality may adopt definitions that are more stringent than those provided  
 137 in Subsection (1).  
 138 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described  
 139 in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained  
 140 in Subsections (3) and (4).  
 141 ~~[(2)] (3) (a) [(i)]~~ Each candidate ~~[for municipal office]~~:  
 142 ~~[(A)] (i)~~ shall deposit a ~~[campaign]~~ contribution in a separate campaign account in a  
 143 financial institution; and  
 144 ~~[(B)] (ii)~~ may not deposit or mingle any campaign contributions received into a  
 145 personal or business account.  
 146 ~~[(ii)] (b)~~ Each candidate ~~[for municipal office]~~ who is not eliminated at a municipal  
 147 primary election shall file with the municipal clerk or recorder a campaign finance statement:  
 148 ~~[(A)] (i)~~ no later than seven days before the ~~[date of]~~ day on which the municipal  
 149 general election is held; and  
 150 ~~[(B)] (ii)~~ no later than 30 days after the ~~[date of]~~ day on which the municipal general  
 151 election is held.

152           [(iii)] (c) Each candidate for municipal office who is eliminated at a municipal primary  
 153 election shall file with the municipal clerk or recorder a campaign finance statement [~~no later~~  
 154 ~~than~~] 30 days after the [~~date of~~] day on which the municipal primary election is held.

155           [(b)] (4) Each campaign finance statement under Subsection [(2)(a)] (3)(b) or (c) shall:

156           [(i)] (a) except as provided in Subsection [(2)(b)(ii)] (4)(b):

157           [(A)] (i) report all of the candidate's itemized and total:

158           [(F) campaign] (A) contributions, including in-kind and other nonmonetary  
 159 contributions, received [~~before the close of the reporting date~~] up to and including five days  
 160 before the campaign finance statement is due, excluding a contribution previously reported;  
 161 and

162           [(H) campaign] (B) expenditures made [~~through the close of the reporting date~~] up to  
 163 and including five days before the campaign finance statement is due, excluding an expenditure  
 164 previously reported; and

165           [(B)] (ii) identify:

166           [(F)] (A) for each contribution that exceeds the reporting limit, the amount of the  
 167 contribution and the name of the ~~§~~→ [f] donor [~~contributor~~] ←~~§~~ ;

168           [(H)] (B) the aggregate total of all contributions that individually do not exceed the  
 169 reporting limit; and

170           [(HH)] (C) for each [campaign] expenditure, the amount of the expenditure and the  
 171 name of the recipient of the expenditure; or

172           [(ii)] (b) report the total amount of all [campaign] contributions and expenditures if the  
 173 candidate receives \$500 or less in [campaign] contributions and spends \$500 or less on the  
 174 candidate's campaign.

175           [(3) (a) As used in this Subsection (3), "account" means an account in a financial  
 176 institution:]

177           [(i) that is not described in Subsection (2)(a)(i)(A); and]

178           [(ii) into which or from which a person who, as a candidate for an office, other than a  
 179 municipal office for which the person files a declaration of candidacy or federal office, or as a  
 180 holder of an office, other than a municipal office for which the person files a declaration of  
 181 candidacy or federal office, deposits a contribution or makes an expenditure.]

182           [(b) A municipal office candidate shall include on any campaign finance statement

- 276 (E) dues, fees, or gratuities at a country club, health club, or recreational facility;  
277 (F) a salary payment made to a candidate, officeholder, or a person who has not  
278 provided a bona fide service to a candidate or officeholder;  
279 (G) a vacation;  
280 (H) a vehicle expense;  
281 (I) a meal expense;  
282 (J) a travel expense;  
283 (K) a payment of an administrative, civil, or criminal penalty;  
284 (L) a satisfaction of a personal debt;  
285 (M) a personal service, including the service of an attorney, accountant, physician, or  
286 other professional person;  
287 (N) a membership fee for a professional or service organization; and  
288 (O) a payment in excess of the fair market value of the item or service purchased.  
289 (2) As used in this section, "personal use expenditure" does not mean an expenditure  
290 made:  
291 (a) for a political purpose;  
292 (b) for candidacy for public office;  
293 (c) to fulfill a duty or activity of an officeholder;  
294 (d) for a donation to a registered political party;  
295 (e) for a contribution to another candidate's campaign account, including sponsorship  
296 of or attendance at an event, the primary purpose of which is to solicit a contribution for  
297 another candidate's campaign account;  
298 (f) to return all or a portion of a contribution to a ~~§~~→ [contributor] donor ←~~§~~ ;  
299 (g) for the following items, if made in connection with the candidacy for public office  
300 or an activity or duty of an officeholder:  
301 (i) (A) a mileage allowance at the rate established by the Division of Finance under  
302 Section [63A-3-107](#); or  
303 (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);  
304 (ii) a meal expense;  
305 (iii) a travel expense, including an expense incurred for airfare or a rental vehicle;  
306 (iv) a payment for a service provided by an attorney or accountant;