

Chapter 2.46
CAMPAIGN FINANCING DISCLOSURE

2.46.010 Definitions:

For the purpose of this chapter the following words shall have the meanings as defined in this chapter:

A. "Bumper sticker" means a sign not exceeding four inches (4") in height or thirteen inches (13") in length affixed to any part (including the interior) of a motor vehicle.

B. "Candidate" means any person who:

1. Files a declaration of candidacy for an elected office of the city;
2. Receives contributions, makes expenditures, or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or
3. Causes, on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates his or her intention to seek such office.

C. "Contribution" means:

1. A gift, subscription, donation, loan, advance, or deposit of money or anything of value, including nonmonetary contributions such as in-kind contributions and contributions of tangible things, except a loan of money by a financial institution made in accordance with the applicable financial institution laws and regulations and in the ordinary course of business, made for political purposes;
2. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution described in subsection C1 of this section;
3. A transfer of funds between a political committee and a candidate's personal campaign committee;
4. Compensation paid by a person other than the candidate's personal campaign committee for personal services of another person rendered without charge to the candidate or such candidate's personal campaign committee;
5. A coordinated expenditure; but
6. "Contribution" shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate or such candidate's personal campaign committee.

D. "Coordinated expenditure" means, except as provided in the next sentence, an expenditure made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his or her personal campaign committee, or their agents. Coordinated expenditures include, but are not limited to, coordinated advertising on billboards and on taxicabs or other ground transportation vehicles as defined in section [5.71.010](#) of this code, but do not include a

lawn sign, a sign on residential property, a bumper sticker, a handheld sign, a sign on the body of a person, a sign on a motor vehicle other than a "taxicab" or other "ground transportation vehicle" as defined in section [5.71.010](#) of this code, or a sign in a part of a building that is not normally used for commercial advertising by a third party. An in-kind coordinated expenditure shall be valued at the usual and normal value of such expenditure, such as the value of the use of the advertising space on a billboard or "taxicab" or other "ground transportation vehicle" as defined in section [5.71.010](#) of this code. In the case of a "taxicab" or other "ground transportation vehicle" as defined in section [5.71.010](#) of this code, if a sign is located in a space that is not usually or normally used for advertising, the sign shall be treated as if it were rooftop advertising on a "taxicab" or other "ground transportation vehicle" as defined in section [5.71.010](#) of this code, and its value shall be determined in the same manner that the value of such rooftop advertising is determined.

- E. "Election" means a general, special or primary election conducted by the city, including elections limited to referendums or bond issues.
- F. "Election cycle" means: 1) with respect to a general city election or a city primary election for an elective position, the four (4) year period that ends on the February 15 immediately following the next general city election for such elective position; and 2) with respect to an election to fill an unexpired term of office, the period that begins on the earlier of: a) the day the vacancy occurs, or b) the day the impending vacancy is publicly announced, and ends on the February 15 immediately following the next general city election for such elective position.
- G. "Election year" means a calendar year during which a primary or general election is held or is scheduled to be held.
- H. "Expenditure" means:
 - 1. A purchase, payment, donation, distribution, loan, advance, deposit, or gift of money or anything of value made for political purposes;
 - 2. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make an expenditure described in subsection H1 of this section; or
 - 3. A transfer of funds by a political committee to another political committee or to a candidate's personal campaign committee.
- I. "Independent expenditure" means an expenditure on behalf of, or opposing the election of, any candidate, when such expenditure is made independently of the candidate or the candidate's personal campaign committee, or their agents, and when such expenditure is made without the prior consent or the collusion or cooperation of, and not at the request or suggestion of, the candidate or the candidate's personal campaign committee or their agents.
- J. "Issue" means any question other than the election of a candidate to city office placed upon any municipal ballot to be affirmed or defeated by popular vote including, but not limited to, bond issues and referendums.
- K. "Party committee" means any committee organized by or authorized by the governing body of a registered political party.

- L. "Person" means both natural and legal persons including, but not limited to, individuals, business organizations, personal campaign committees, political committees, party committees, labor unions, labor organizations and any other organized group of individuals.
- M. "Personal campaign committee" means the committee appointed by a particular candidate to act for such candidate as hereinafter provided.
- N. "Political committee" means a group of persons cooperating to aid or promote the success or defeat of a candidate or issue, including the making of donations to a personal campaign committee. "Political committee" does not mean an individual, a personal campaign committee, individuals who are related and who make contributions from a joint checking account, an entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public, or a business entity using its own funds, except a business entity whose intended purpose is to act as a political committee.
- O. "Political purpose" means an act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the nomination or election of a candidate or the passage or defeat of any issue on the ballot at a municipal election.
- P. "Primary election" means any primary election held pursuant to title 20A, Utah Code Annotated, or its successor.
- Q. "Reporting date" means:
1. Ten (10) days before the election, for a campaign finance statement required to be filed not later than seven (7) days before a primary or general election conducted by the city;
 2. The day of filing, for a campaign finance statement required to be filed not later than thirty (30) days after a primary or general election conducted by the city; and
 3. Three (3) days before the filing date, for any other campaign finance statement required to be filed pursuant to this chapter. (Ord. 15-07 ♦ 1, 2007: Ord. 56-05 ♦♦ 1, 2, 2005: Ord. 43-05 ♦ 1, 2005: Ord. 24-05 ♦ 1, 2005: Ord. 1-01 ♦ 2, 2001: Ord. 77-98 ♦ 1, 1998)

2.46.020 Personal Campaign Committee Required:

A candidate shall appoint a personal campaign committee consisting of one or more persons; or such candidate alone may constitute such a committee. No candidate shall appoint more than one personal campaign committee and no candidate shall solicit or receive contributions or authorize expenditures in furtherance of his or her candidacy except through such candidate's personal campaign committee. Each personal campaign committee shall appoint a secretary. If the personal campaign committee consists of only one person, such person is deemed the secretary. If the candidate acts as the personal campaign committee, the candidate is deemed the secretary. (Ord. 77-98 ♦ 1, 1998)

2.46.030 Registration With City Recorder:

Before a personal campaign committee or a political committee solicits or receives its first contribution, or makes its first expenditure, such committee shall file a written statement with the city recorder, which filing shall constitute registration with the city by such candidate or committee:

- A. The written statement of a personal campaign committee shall be personally signed by the candidate and shall set forth:
1. That the personal campaign committee is appointed; and
 2. The name and address of each member of such committee and of its secretary.
- B. The written statement of a political committee shall be signed by the chairperson of such committee, shall state that committee exists, and shall list the name and addresses of its officers. (Ord. 15-07 ♦ 2, 2007; Ord. 1-01 ♦ 2, 2001; Ord. 77-98 ♦ 1, 1998)

2.46.040 Changes In Or Withdrawal From A Personal Campaign Committee:

- A. Any candidate may revoke the selection of any member of such candidate's personal campaign committee by: 1) revoking that person's appointment in writing; 2) personally serving the written revocation on the person whose appointment is revoked; and 3) filing a copy of the written revocation with the city recorder.
- B. Any individual may voluntarily withdraw from a personal campaign committee by filing a written notice of withdrawal with the city recorder. The date of withdrawal is the date the notice is received by the city recorder.
- C. A candidate may select a replacement to fill any vacancy on the candidate's personal campaign committee. In the case of a vacancy in the office of secretary of a personal campaign committee, the candidate shall be deemed the secretary until a replacement secretary is appointed.
- D. A candidate may appoint additional persons to the personal campaign committee. The candidate shall file with the city recorder a written notice containing the name and address of any additional or replacement members of the personal campaign committee. (Ord. 77-98 ♦ 1, 1998)

2.46.050 Contributions To Candidates Limitations:

- A. No person shall make contributions in coin or currency during any election cycle, as set forth in this chapter, to any candidate or such candidate's personal campaign committee, or to any political committee with respect to any election for city office, that exceed, in the aggregate, fifty dollars (\$50.00).
- B. No person shall make contributions during any election cycle, as set forth in this chapter, to any candidate or his or her personal campaign committee, or to any political committee with respect to any election for city office, that, in the aggregate, exceed the following amounts:

Office	Amount
Mayor	\$7,500.00
City council	1,500.00

- C. The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a candidate or a personal campaign committee or a political committee shall be transmitted to

the city treasurer for deposit in the general fund of the city. Each contributor of a contribution shall disclose to the personal campaign committee or political committee the name and address of such contributor.

- D. The limitations imposed by subsections A through C of this section shall not apply to contributions by a candidate of the candidate's own resources to the candidate's own campaign.
- E. Each candidate or the candidate's personal campaign committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution and may not deposit or mingle any contributions received into a personal or business account.
- F. The candidate or the candidate's personal campaign committee may use the monies in campaign accounts only as follows:
 - 1. For political purposes;
 - 2. For expenses incurred in connection with duties of the individual as a holder of a city office;
 - 3. For contributions to an organization described in section 170(c) of the internal revenue code of 1986 [26 USCS section 170(c)];
 - 4. For transfers to a national, state, or local committee of a political party;
 - 5. For donations to federal, state, or local candidates; or
 - 6. For any other lawful purpose unless prohibited by subsection G of this section.
- G. A contribution shall not be converted by any person to personal use. For purposes of this subsection, a contribution or donation shall be considered to be converted to personal use if the contribution or donation is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or the individual's duties as an elected official of the city. For purposes of this subsection, it shall not be considered a conversion to personal use for a candidate or elected official of the city to use a contribution or donation to pay for the attendance of one guest at a social, entertainment, or other event related to political purposes or to the duties of the person as an elected official of the city. (Ord. 24-05 ♦ 2, 2005: Ord. 1-01 ♦ 2, 2001: Ord. 77-98 ♦ 1, 1998)

2.46.060 Responsibility For Political Communications Required:

Every advertisement or communication made for a political purpose which is broadcast or published by means of television, radio, newspaper, billboards, direct mailings, automatic telephone equipment, paid telephonists, leaflets, fliers, posters, bumper stickers or other printed matter shall contain a disclosure of the name of the personal campaign committee or political committee responsible for its broadcast or publication. (Ord. 15-07 ♦ 3, 2007: Ord. 77-98 ♦ 1, 1998)

2.46.070 Contributions In The Name Of Another Prohibited:

No person shall make a contribution in the name of another person or make a contribution with another person's funds in his or her own name, and no personal campaign committee or political committee shall knowingly accept any such contribution. (Ord. 15-07 ♦ 4, 2007: Ord. 77-98 ♦ 1, 1998)

2.46.080 Voluntary Limitation On Contributions And Expenditures:

- A. Declaration To Limit:** A candidate may sign a written declaration pursuant to which the candidate agrees: 1) not to make contributions during the current election cycle to his or her own personal campaign committee in an amount exceeding, in the aggregate, three thousand dollars (\$3,000.00), in the case of candidates for the city council, and seventy five thousand dollars (\$75,000.00), in the case of candidates for mayor; and 2) to limit total campaign expenditures during the current election cycle by his or her personal campaign committee to an amount not exceeding, in the aggregate, fifteen thousand dollars (\$15,000.00), in the case of candidates for the city council, and three hundred seventy five thousand dollars (\$375,000.00), in the case of candidates for mayor. Except as provided in subsection B of this section, the city recorder shall require that each candidate either make such a declaration or sign a written statement declining to make such declaration, on the earliest of the following: 1) the day the candidate establishes a personal campaign committee pursuant to section [2.46.030](#) of this chapter; or 2) the day the candidate files a declaration of candidacy with the city. Except as provided in the next sentence, declarations by candidates shall be deemed terminated on the February 15 next following the general election. If, before the effective date of this amendment, a candidate entered into a contract with the city to limit campaign contributions and expenditures, such contract shall be deemed terminated on the effective date hereof.
- B. Existing Committees:** With respect to any personal campaign committee which exists prior to the effective date hereof, on February 15, 2001, the city recorder shall require the candidate for whom such committee exists to either make the declaration described in subsection A of this section or sign a written statement declining to make such a declaration.
- C. Declaration Following Election:** On the February 15 following any general election conducted by the city, any candidate for elective office at such general election or at the primary election preceding such general election, whose personal campaign committee has not been terminated before such date, shall notify the city recorder in writing whether or not such committee shall remain in existence after that date. Any candidate whose personal campaign committee shall remain in existence after that date shall, on such February 15, either make the written declaration described in subsection A of this section, or sign a written statement declining to make such a declaration.
- D. Form Of Declaration:** The city, with the approval of the city attorney, shall prepare a form of declaration, containing in substance the requirements set forth in subsection A of this section, for use by candidates and the city in complying with this section.
- E. Reversal Of Decision:**
1. If a candidate for an office has made the declaration described in subsection A of this section, and thereafter another candidate for the same office declines to make such a declaration, the candidate may, within fifteen (15) days after the city recorder provides public notice of such other candidate's decision not to make a declaration, void his or her declaration.
 2. If a candidate has made the declaration described in subsection A of this section, and thereafter such candidate determines that a person is making independent expenditures in opposition to the candidate's candidacy, the candidate may, at any time after making such determination, by a written document provided to the city recorder, void his or her declaration.

3. If a candidate for an office has declined to make the declaration described in subsection A of this section, and thereafter another candidate for the same office makes such a declaration, within fifteen (15) days after the city recorder provides public notice of such other candidate's declaration the candidate may, unless he or she has already exceeded the contribution or expenditure limit, make such a declaration.

F. **Publicity By City:** Within forty eight (48) hours after any candidate either makes a declaration or signs a written statement declining to make such a declaration pursuant to subsection A of this section, the city recorder shall make available to the public a report stating whether or not such candidate made such a declaration. The city recorder shall also promptly make available to the public: 1) any reversal of a declaration to exceed or not to exceed the contribution or expenditure limits set forth in subsection A of this section, other than a reversal pursuant to subsection E1 of this section; and 2) any violation of a declaration entered into pursuant to subsection A of this section. (Ord. 1-01 ♦ 2, 2001: Ord. 77-98 ♦ 1, 1998)

2.46.090 Financial Reporting:

A. Personal Campaign Committees:

1. Each personal campaign committee shall file with the city recorder a campaign finance statement containing the information required in this section, on the following dates:

a. July 1 of any election year;

b. Except as provided in subsection A2 of this section, no later than seven (7) days before the date of any municipal general or primary election;

c. Except as provided in subsection A2 of this section, not later than thirty (30) days after the date of the municipal general election; and

d. On February 15 of every year unless a termination report has been filed with the city recorder as provided by subsection A8 of this section or its successor subsection.

Notwithstanding the foregoing provisions of this subsection A1, the personal campaign committee for a candidate shall be required to file a campaign finance statement on the dates specified in subsections A1a, A1b, and A1c only during an election year in which the elective office that such candidate seeks is open for election.

2. The personal campaign committee for each candidate who is eliminated at a primary election shall file with the city recorder a campaign finance statement not later than thirty (30) days after the date of the primary election. Personal campaign committees for candidates who lose at a primary election need not file a campaign finance statement seven (7) days before the general election pursuant to subsection A1b of this section or thirty (30) days after the general election pursuant to subsection A1c of this section.

3. During the seven (7) day period before any election, each personal campaign committee shall file with the city recorder a verified report of each contribution over five hundred dollars (\$500.00) within twenty four (24) hours after receipt of each such contribution. Such report shall contain the information required by subsection A4bii(A) of this section.

4. Each campaign finance statement shall:
 - a. Contain a summary of contributions and expenditures reported in previously filed campaign finance statements during the calendar year in which the statement is due;
 - b. Except as provided in subsection A4c of this section:
 - i. Report all of the committee's or candidate's itemized and total:
 - (A) Contributions during the election cycle received before the close of the reporting date; and
 - (B) Expenditures during the election cycle made through the close of the reporting date; and
 - ii. Identify:
 - (A) For each contribution in excess of fifty dollars (\$50.00), the amount of the contribution, the name and address of the donor, and the date the contribution was made;
 - (B) The aggregate total of all contributions that individually do not exceed fifty dollars (\$50.00); and
 - (C) For each expenditure, the amount of the expenditure, the name of the recipient of the expenditure, the date the expenditure was made, and the purpose of the expenditure; or
 - c. Report the total amount of all contributions and expenditures if the committee or candidate receives five hundred dollars (\$500.00) or less in contributions and spends five hundred dollars (\$500.00) or less on the candidate's campaign.
5. Each campaign finance statement shall contain a statement by the secretary or by the chairperson of the committee to the effect that:
 - a. All contributions and expenditures not theretofore reported have been reported;
 - b. There are no bills or obligations outstanding and unpaid except as set forth in the campaign finance statement;
 - c. The campaign finance statement represents a good faith effort by the committee to comply with the provisions of this chapter; and
 - d. The information contained in the campaign finance statement is, to the best knowledge of the committee, true, accurate and complete.
6. In the event the personal campaign committee had no contributions or expenditures during the calendar year, the campaign finance statement shall state that no contributions were received and no expenditures were made during that calendar year.
7. Within thirty (30) days after distribution of any surplus campaign funds and/or the payment or compromise of all debts, a personal campaign committee shall file a campaign finance statement with the city recorder. The campaign finance statement shall state the amount of such surplus and the name and address of any recipient of such surplus, and shall identify any debt that was paid or

compromised and the name and address of any person to whom any debt was paid or compromised.

8. In the event a personal campaign committee has permanently ceased operations, the secretary or chairperson of the committee shall file a termination report with the city recorder certifying that the personal campaign committee has permanently ceased operations.
9. The requirements of this chapter shall not be construed to abrogate the necessity of making any other reports or disclosure required by law.
10. With respect to contributions received and expenditures made before the effective date hereof, the first campaign finance statement filed pursuant to this section need only contain the information required by this section to the extent such information is known by the personal campaign committee that files such campaign finance statement.

B. Political Committees:

1. Each political committee that has received contributions or made expenditures that total at least seven hundred fifty dollars (\$750.00) during a calendar year shall file a verified financial statement with the city recorder on:
 - a. July 1 of any election year;
 - b. No later than seven (7) days before any municipal primary or general election; and
 - c. January 31, reporting contributions and expenditures as of December 31 of the previous year.
2. The political committee shall report:
 - a. A detailed listing of all contributions received and expenditures made since the filing of the last financial statement; and
 - b. For financial statements filed on July 1 and before the municipal general election, all contributions and expenditures as of three (3) days before the required filing date of the financial statement.
3. If the political committee had no contributions or expenditures since the filing of the last financial statement, the financial statement shall state that no contributions were received and no expenditures were made since the filing of the last financial statement.
4. The verified financial statement shall include:
 - a. The name and address of any individual that makes a contribution to the reporting political committee, and the amount of the contribution;
 - b. The identification of any publicly identified class of individuals that makes a contribution to the reporting political committee, and the amount of the contribution;
 - c. The name and address of any political committee, group, or entity that makes a contribution to the reporting political committee, and the amount of the contribution;

- d. The name and address of each candidate, personal campaign committee, party committee, or political committee that received an expenditure from the reporting political committee, and the amount of each expenditure;
- e. The total amount of contributions received and expenditures disbursed by the reporting political committee;
- f. A statement by the political committee's secretary or chairperson to the effect that:
 - i. All contributions and expenditures not theretofore reported have been reported;
 - ii. There are no bills or obligations outstanding and unpaid except as set forth in the financial statement;
 - iii. The financial statement represents a good faith effort by the committee to comply with the provisions of this chapter; and
 - iv. The information contained in the financial statement is, to the best knowledge of the committee, true, accurate and complete; and
- g. A summary page in the form required by the city recorder that identifies:
 - i. Beginning balance;
 - ii. Total contributions during the period since the last financial statement;
 - iii. Total contributions to date;
 - iv. Total expenditures during the period since the last financial statement; and
 - v. Total expenditures to date.
5. Contributions received by a political committee that have a value of fifty dollars (\$50.00) or less need not be reported individually, but shall be listed in the financial statement as an aggregate total.
6. Two (2) or more contributions from the same source that have an aggregate total of more than fifty dollars (\$50.00) may not be reported in the aggregate, but shall be reported separately.
7. Within thirty (30) days after distribution of any surplus campaign funds and/or the payment or compromise of all debts, a political committee shall file a verified financial statement with the city recorder. The financial statement shall state the amount of such surplus and the name and address of any recipient of such surplus, and shall identify any debt that was paid or compromised and the name and address of any person to whom any debt was paid or compromised.
8. In the event a political committee has permanently ceased operations, the secretary or chairperson of the committee shall file a termination report with the city recorder certifying that the political committee has permanently ceased operations.
9. The requirements of this chapter shall not be construed to abrogate the necessity of making any other reports or disclosure required by law.

- d. The name and address of each candidate, personal campaign committee, party committee, or political committee that received an expenditure from the reporting political committee, and the amount of each expenditure;
- e. The total amount of contributions received and expenditures disbursed by the reporting political committee;
- f. A statement by the political committee's secretary or chairperson to the effect that:
 - i. All contributions and expenditures not theretofore reported have been reported;
 - ii. There are no bills or obligations outstanding and unpaid except as set forth in the financial statement;
 - iii. The financial statement represents a good faith effort by the committee to comply with the provisions of this chapter; and
 - iv. The information contained in the financial statement is, to the best knowledge of the committee, true, accurate and complete; and
- g. A summary page in the form required by the city recorder that identifies:
 - i. Beginning balance;
 - ii. Total contributions during the period since the last financial statement;
 - iii. Total contributions to date;
 - iv. Total expenditures during the period since the last financial statement; and
 - v. Total expenditures to date.
5. Contributions received by a political committee that have a value of fifty dollars (\$50.00) or less need not be reported individually, but shall be listed in the financial statement as an aggregate total.
6. Two (2) or more contributions from the same source that have an aggregate total of more than fifty dollars (\$50.00) may not be reported in the aggregate, but shall be reported separately.
7. Within thirty (30) days after distribution of any surplus campaign funds and/or the payment or compromise of all debts, a political committee shall file a verified financial statement with the city recorder. The financial statement shall state the amount of such surplus and the name and address of any recipient of such surplus, and shall identify any debt that was paid or compromised and the name and address of any person to whom any debt was paid or compromised.
8. In the event a political committee has permanently ceased operations, the secretary or chairperson of the committee shall file a termination report with the city recorder certifying that the political committee has permanently ceased operations.
9. The requirements of this chapter shall not be construed to abrogate the necessity of making any other reports or disclosure required by law.

10. With respect to contributions received and expenditures made before the effective date hereof, the first financial statement filed pursuant to this section need only contain the information required by this section to the extent such information is known by the political committee that files such financial statement.

C. **Filing Time:** A campaign finance statement or other report required under this chapter shall be considered filed if it is received by the city recorder or the recorder's office by five o'clock (5:00) P.M. on the date it is due. (Ord. 15-07 ♦ 5, 2007: Ord. 56-05 ♦ 3, 2005: Ord. 24-05 ♦ 3, 2005: Ord. 1-01 ♦ 2, 2000: Ord. 77-98 ♦ 1, 1998)

2.46.100 Forms Of Statements On File With City Recorder Available For Public Inspection Notice From City Recorder:

A. The city recorder shall prepare forms for all campaign finance and financial statements required by this chapter and shall furnish copies thereof, together with a copy of this chapter, to the secretary of every political committee or personal campaign committee, to every candidate, and to all others who make a request therefor.

B. 1. At the time a candidate files a declaration of candidacy and again fourteen (14) days before each election, the city recorder shall inform the candidate in writing or, if requested by the reporting entity, by electronic mail:

a. Of the provision of this chapter governing the disclosure of campaign contributions and expenditures; and

b. The dates when the candidate's campaign finance statements are required to be filed.

c. That if the campaign finance statement due seven (7) days before the general election is not received in the city recorder's office by five o'clock (5:00) P.M. on the due date due, if practicable the candidate's name will be removed from the ballot by blocking out the candidate's name before the ballots are delivered to the voters, or, if removing the candidate's name is not practicable, the voters will be informed that the candidate has been disqualified and that any votes cast for the candidate will not be counted.

d. That if any campaign finance statement or verified financial statement is not filed when due, the entity or candidate may be guilty of an infraction.

C. All statements and reports required by this chapter shall be available for public inspection and copying at the office of the city recorder during normal business hours and no later than one business day after the statement or report is filed.

D. The city recorder shall inspect all campaign finance statements, verified financial statements, and reports within one day after the same are filed. In addition, the city recorder shall inspect any filed campaign finance statement, verified financial statement, or report within one day after receiving a complaint from a candidate or a voter that such campaign finance statement, verified financial statement, or report does not comply with this chapter. If it appears to the city recorder that any political committee or personal campaign committee has failed to file a campaign finance statement, verified financial statement, or report required by this chapter, or that a campaign finance statement, verified filed financial statement, or report does not comply with this chapter, the city recorder shall notify in writing the delinquent political committee or personal campaign committee, requesting compliance with this chapter. Such notification may be given by United

10. With respect to contributions received and expenditures made before the effective date hereof, the first financial statement filed pursuant to this section need only contain the information required by this section to the extent such information is known by the political committee that files such financial statement.

C. **Filing Time:** A campaign finance statement or other report required under this chapter shall be considered filed if it is received by the city recorder or the recorder's office by five o'clock (5:00) P.M. on the date it is due. (Ord. 15-07 ♦ 5, 2007: Ord. 56-05 ♦ 3, 2005: Ord. 24-05 ♦ 3, 2005: Ord. 1-01 ♦ 2, 2000: Ord. 77-98 ♦ 1, 1998)

2.46.100 Forms Of Statements On File With City Recorder Available For Public Inspection Notice From City Recorder:

A. The city recorder shall prepare forms for all campaign finance and financial statements required by this chapter and shall furnish copies thereof, together with a copy of this chapter, to the secretary of every political committee or personal campaign committee, to every candidate, and to all others who make a request therefor.

B. 1. At the time a candidate files a declaration of candidacy and again fourteen (14) days before each election, the city recorder shall inform the candidate in writing or, if requested by the reporting entity, by electronic mail:

a. Of the provision of this chapter governing the disclosure of campaign contributions and expenditures; and

b. The dates when the candidate's campaign finance statements are required to be filed.

c. That if the campaign finance statement due seven (7) days before the general election is not received in the city recorder's office by five o'clock (5:00) P.M. on the due date due, if practicable the candidate's name will be removed from the ballot by blocking out the candidate's name before the ballots are delivered to the voters, or, if removing the candidate's name is not practicable, the voters will be informed that the candidate has been disqualified and that any votes cast for the candidate will not be counted.

d. That if any campaign finance statement or verified financial statement is not filed when due, the entity or candidate may be guilty of an infraction.

C. All statements and reports required by this chapter shall be available for public inspection and copying at the office of the city recorder during normal business hours and no later than one business day after the statement or report is filed.

D. The city recorder shall inspect all campaign finance statements, verified financial statements, and reports within one day after the same are filed. In addition, the city recorder shall inspect any filed campaign finance statement, verified financial statement, or report within one day after receiving a complaint from a candidate or a voter that such campaign finance statement, verified financial statement, or report does not comply with this chapter. If it appears to the city recorder that any political committee or personal campaign committee has failed to file a campaign finance statement, verified financial statement, or report required by this chapter, or that a campaign finance statement, verified filed financial statement, or report does not comply with this chapter, the city recorder shall notify in writing the delinquent political committee or personal campaign committee, requesting compliance with this chapter. Such notification may be given by United

States mail, hand delivery, facsimile transmission, or overnight delivery service. (Ord. 24-05 ♦ 4, 2005; Ord. 1-01 ♦ 2, 2000; Ord. 77-98 ♦ 1, 1998)

2.46.110 Failure To File Financial Statements:

A. If a candidate or the candidate's personal campaign committee fails to file a campaign finance statement due seven (7) days before the general election, the city recorder shall inform the appropriate election official who:

1. Shall:

- a. If practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or
- b. If removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

2. May not count any votes for that candidate.

B. Notwithstanding subsection A of this section, a candidate who files a campaign finance statement seven (7) days before a general election is not disqualified if:

1. The statement details accurately and completely the information required under subsection [2.46.090A4](#) of this chapter, except for inadvertent omissions or insignificant errors or inaccuracies; and

2. The omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

C. If a political committee or personal campaign committee or person fails to file or correct a financial statement within two (2) days after receiving notice under subsection [2.46.100D](#) of this chapter, or its successor, or if any filed financial statement or report discloses a violation of this chapter, the city recorder shall notify the city attorney and shall furnish the city attorney copies of all papers and other information in the city recorder's possession relating thereto. (Ord. 24-05 ♦ 5, 2005; Ord. 1-01 ♦ 2, 2001; Ord. 77-98 ♦ 1, 1998)

2.46.120 Unlawful Acts Designated Violation Penalty:

A. It shall be an infraction, punishable as provided by [chapter 1.12](#) of this code, or its successor: 1) for any person to fail to file when due any required campaign finance statement, verified financial statement, or report specified in this chapter or to knowingly or wilfully falsify or omit any information required by any of the provisions of this chapter, or 2) for any candidate, either personally or through a personal campaign committee, to receive a contribution in violation of the limits set forth in subsections [2.46.050A](#) and B of this chapter.

B. The city recorder shall monitor compliance with this chapter, or its successor, and shall report any violations thereof to the mayor, the city council, and the city attorney.

C. A private party in interest may bring a civil action in district court to enforce the provisions of this chapter. In accordance with section 10-3-208, Utah Code Annotated, in such a civil action, the

court may award costs and attorney fees as to the prevailing party. (Ord. 24-05 ♦ 6, 2005: Ord. 1-01 ♦ 2, 2001: Ord. 77-98 ♦ 1, 1998)

2.46.130 Form Of Filings; Electronic Filing And Record Storage:

Any filing of statements, reports or other information with the city pursuant to this chapter may be made either in written form on paper or by electronic media consistent with the city's electronic filing system. The city shall retain any filed statements, reports or other information pursuant to this chapter in accordance with its adopted retention schedule. (Ord. 24-05 ♦ 7, 2005: Ord. 77-98 ♦ 1, 1998)

2.46.140 Computation Of Time:

In computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. Except as otherwise provided in this section, Saturday, Sundays, and legal holidays shall be included in the computation.