



SALT LAKE CITY TRANSMITTAL

To:
Salt Lake City Council Chair

Start Date:
09/16/2024

Date Sent to Council:
09/18/2024

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Director Signed Date
09/16/2024

Chief Administrator Officer's Signed Date
09/18/2024

Subject:
Campaign Finance Ordinance Amendments

Additional Staff Contact:

Presenters/Staff Table

Document Type *
Ordinance

Budget Impact *
☐ Yes
☒ No

Budget Impact:

Recommendation: *
Amend Chapters 2.46 and 2.68 of the City Code relating to Campaign Finance and Elections

Background/Discussion (?)

City Code currently mandates that Candidates, Political Action Committees (PACs) and Political Interest Committees (PICs) submit campaign finance reports and disclose any contributions made to campaigns within Salt Lake City municipal election races. The requirement of PAC and PIC reporting introduces redundancy and complexity in compliance since the Lt. Governor's office also requires PAC and PIC organizations to report their activities at the state level. While the state conducts audits of these reports, it appears that Salt Lake City is the only municipality with this additional reporting obligation for PACs and PICs.

The proposal is to amend the campaign finance and election chapters to remove the PAC and PIC reporting components and other housekeeping items including definitions, removal of specific contribution limits mentioned in code (reference to adjusted CPI posted online and available in person), and declaration clarifications among other housekeeping corrections.

Will the City Council need to hold a public hearing for this item? *

☒ Yes
☐ No

Public Process

No public process has been completed on this item.

SALT LAKE CITY ORDINANCE

No. _____ of 2024

(Campaign Finance Disclosures and City Elections)

An ordinance amending Chapter 2.46 of the Salt Lake City Code relating to Campaign Finance Disclosures, and amending Chapter 2.68 of the Salt Lake City Code relating to City Elections.

WHEREAS, the City Council of Salt Lake City, Utah, desires to amend Sections 2.46.010, 2.46.030, 2.46.050, 2.46.060, 2.46.090, 2.46.100, 2.46.110, and 2.46.120 of the Salt Lake City Code, relating to Campaign Finance Disclosures; and

WHEREAS, the City Council of Salt Lake City, Utah, desires to amend Chapter 2.68 of the Salt Lake City Code, relating to City elections.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah that:

SECTION 1. Section 2.46.010 of the Salt Lake City Code, relating to definitions, is amended as follows:

2.46.010: DEFINITIONS:

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

BUMPER STICKER: A sign not exceeding four inches in height or 13 inches in length affixed to any part (including the interior) of a motor vehicle.

CANDIDATE: Any person who:

- A. Files a declaration of candidacy for an elected office of the city;
- B. Receives contributions, makes expenditures, or gives consent to any other person to receive contributions or make expenditures to bring about the person's nomination or election to an elected office of the city; or
- C. Causes, on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed, or disseminated that indicates his or her intention to seek an elected office of the city.

CONTRIBUTION: A. Any of the following when done for political purposes:

1. A gift, subscription, donation, loan, advance, or deposit of money or anything of value to a candidate or the candidate's personal campaign committee;
2. An express, legally enforceable contract, promise, or agreement, obligating another person or reporting entity to make a gift, subscription, donation, forgivable or partially forgivable loan, or an advance or deposit of money or anything of value to the candidate or the candidate's personal campaign committee;
3. Any transfer of funds from another reporting entity to the candidate or the candidate's personal campaign committee;
4. Compensation paid by any person or reporting entity other than the candidate or the candidate's personal campaign committee for services of another person provided without charge to the candidate or the candidate's personal campaign committee;
5. A loan made by a candidate deposited to the candidate's own campaign;
6. An in-kind contribution; and
7. A coordinated expenditure.

A. "Contribution" does not include:

1. Services provided by an individual volunteering a portion or all of the individual's time on behalf of a candidate or the candidate's personal campaign committee if the services are provided without compensation by the candidate or any other person;
2. Money lent to the candidate or the candidate's personal campaign committee by a financial institution in the ordinary course of business; or
3. Goods or services provided for the benefit of a candidate or the candidate's personal campaign committee at less than fair market value that are not authorized by or coordinated with the candidate or the candidate's personal campaign committee.

CONTRIBUTION ACCOUNT: A separate bank account of a hybrid political committee existing for the purpose of financing contributions.

COORDINATED EXPENDITURE: Except as otherwise provided in this definition, an expenditure made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, the candidate's 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.

COORDINATED WITH: The providing of goods or services for the benefit of a candidate:

- A. with the candidate's prior knowledge, if the candidate does not object;
- B. by agreement with the candidate;
- C. in coordination with the candidate; or
- D. using official logos, slogans, and similar elements belonging to a candidate.

ELECTION: A general, special, or primary election conducted by the city, including elections limited to referendums or bond issues.

ELECTION CYCLE: A. With respect to a city general or primary election for an elective position, the four year period that ends on the February 15 immediately following the next general election for such elective position; and

- B. With respect to an election to fill an unexpired term of office, the period that begins on the earlier of: (1) the day the vacancy occurs, or (2) the day the impending vacancy is publicly announced, and ends on the February 15 immediately following the next city general election for such elective position.

ELECTION YEAR: A calendar year during which a primary or general election is held or is scheduled to be held.

EXPENDITURE: A. Any of the following made by a candidate or an agent of the candidate on behalf of the candidate:

- 1. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or transfer of anything of value made for political purposes;
- 2. An express, legally enforceable contract, promise, or agreement entered into by a candidate or other reporting entity that obligates them to make a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or transfer of anything of value for a political purpose; or

3. A transfer of funds by a political committee to another political committee or to a candidate's personal campaign committee^{2,3};

4. Any disbursement from contributions, receipts, or from an account described in subsection 2.46.050(E);

5. Compensation paid by a candidate or the candidate's personal campaign committee for services rendered by an individual;

6. A transfer of funds between the candidate and the candidate's personal campaign committee; or

7. Goods or services provided, at less than fair market value, by a reporting entity to or for the benefit of the candidate or the candidate's personal campaign committee for political purposes.

B. "Expenditure" does not include:

1. Non-professional volunteer services, such as door-to-door or telephonic canvassing, provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate or the candidate's personal campaign committee; or

2. Money lent to a candidate by a financial institution in the ordinary course of business.

IN-KIND CONTRIBUTION: A contribution to a candidate or reporting entity of anything of value, other than money, that is accepted by or coordinated with a candidate or reporting entity.

INDEPENDENT EXPENDITURE: 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.

ISSUE: 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.

PARTY COMMITTEE: Any committee organized by or authorized by the governing body of a registered political party.

PERSON: 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.

PERSONAL CAMPAIGN COMMITTEE: The committee appointed by a particular candidate to act for such candidate as hereinafter provided.

POLITICAL PURPOSE: An act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or the passage or defeat of any issue on the ballot at a municipal election.

PRIMARY ELECTION: Any primary election held pursuant to title 20A, Utah Code Annotated, or its successor.

REPORTING DATE: A. Ten days before the election, for a campaign finance statement required to be filed not later than seven days before a primary or general election conducted by the city;

B. The day of filing, for a campaign finance statement required to be filed not later than 30 days after a primary or general election conducted by the city; and

C. Three days before the filing date, for any other campaign finance statement required to be filed pursuant to this chapter.

REPORTING ENTITY:

A. A candidate;

B. A personal campaign committee;

C. A person who holds an elected municipal office.

SECTION 2. Section 2.46.30 of the Salt Lake City Code, relating to registration with the city recorder, is amended as follows:

2.46.030: REGISTRATION WITH CITY RECORDER:

Before a personal campaign 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.

SECTION 3. Section 2.46.050 of the Salt Lake City Code, relating to contribution limits to candidates, is amended as follows:

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, \$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 that, in the aggregate, exceed the contribution limits listed on the City Recorder's election web page.

Every two years, the city recorder shall adjust to the nearest \$10.00 the most recently calculated contribution limits by the percentage change in the consumer price index since the beginning of the previous election cycle and post the new amounts on the city recorder's election webpage. For purposes of this subsection, "consumer price index" means the consumer price index for all urban consumers, United States city average, that is published by the United States department of labor, bureau of labor statistics.

- C. The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a candidate or a personal campaign 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 the name and address of the contributing individual or entity.
- 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.

H. It shall be unlawful for any person:

1. Who enters into any contract or seeks to enter into any contract with the city either for the rendition of personal services or furnishing any material, supplies, or equipment to the city or for selling any land or building to the city, if payment for the performance of the contract is to be made in whole or in part from city funds, at any time between the commencement of negotiations for the contract and the later of: (a) the completion of performance under the contract, or (b) the termination of negotiations for the contract, directly or indirectly to make any contribution to a candidate or personal campaign committee; or

2. Knowingly to solicit a contribution from any such person during any such period.

SECTION 4. Section 2.46.060 of the Salt Lake City Code, relating to responsibility for

political communications, is amended as follows:

2.46.060: RESPONSIBILITY FOR POLITICAL COMMUNICATIONS REQUIRED:

Every advertisement or communication made for a political purpose that 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 or electronic means shall contain a disclosure of the name of the personal campaign committee responsible for its broadcast or publication.

SECTION 5. Section 2.46.090 of the Salt Lake City Code, relating to financial reporting, is amended as follows:

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 days before the day on which any municipal general or primary election is held;
- c. Except as provided in subsection A2 of this section, no later than 30 days after the on which the municipal general election is held; 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 of this section 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 within 30 days after the day on which the primary election is held. Personal campaign committees for candidates who lose at a primary election need not file a campaign finance statement seven days before the general election pursuant to subsection A1b of this section or 30 days after the general election pursuant to subsection A1c of this section.

3. During the seven day period before any election, each personal campaign committee shall file with the city recorder a verified report of each contribution over \$500.00 within 24 hours after receiving each such contribution. Such report shall contain the information required by subsection A4b(2)(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:

(1) Report all of the personal campaign 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

(2) Identify:

(A) For each contribution, 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 \$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 political campaign committee or candidate receives \$500.00 or less in contributions and spends \$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 personal campaign 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 personal campaign 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 personal campaign 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 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 personal campaign committee shall file a termination report with the city recorder certifying that the personal campaign committee has permanently ceased operations and that there are no remaining funds. Candidates may donate excess funds to the campaign account of a candidate or officeholder; to a political action committee; to a political party; to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; or making another lawful expenditure of the money for a political purpose.

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 of this section, 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.

SECTION 6. Section 2.46.100 of the Salt Lake City Code, relating to forms of statements on file with city recorder, public inspection, and notice, is amended as follows:

**2.46.100: FORMS OF STATEMENTS ON FILE WITH CITY RECORDER;
AVAILABLE FOR PUBLIC INSPECTION; NOTICE FROM CITY RECORDER:**

- A. The city recorder shall provide access to all campaign finance and financial statements required by this chapter.
- B. 1. At the time a candidate files a declaration of candidacy and again 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 days before the general election is not received in the city recorder's office by 5:00 P.M. on the due date.

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. 1. All statements and reports required by this chapter shall be available for public inspection and printing 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.

2. In addition, the city recorder shall make the campaign finance statement filed by a candidate available for public inspection by:

a. (1) posting an electronic copy or the contents of the campaign finance statement on the city recorder's website no later than seven business days after the campaign finance statement is filed; and

(2) verifying that the address of the city recorder's website has been provided to the lieutenant governor in order to meet the requirements of Utah Code subsection 20A-11-103(5); or

(3) submitting a copy of the campaign finance statement to the lieutenant governor for posting on the website established by the lieutenant governor under Utah Code section 20A-11-103 no later than two business days after the campaign finance statement 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 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 personal campaign committee, requesting compliance with this chapter. Such notification shall be given by email, and also may be provided by any of the following options United States mail, hand delivery, or overnight delivery service.

SECTION 7. Section 2.46.110 of the Salt Lake City Code, relating to failure to file financial statements, is amended as follows:

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 days before the municipal primary or 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 days before the municipal 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. A candidate who is disqualified under subsection A shall file with the city recorder a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.

D. If a personal campaign committee or person fails to file or correct a financial statement within two days after receiving notice under subsection 2.46.050 or 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.

SECTION 8. Chapter 2.68 of the Salt Lake City Code, relating to city elections, is amended as follows:

2.68.010: DECLARATIONS OF CANDIDACY; SALT LAKE CITY GENERAL ELECTIONS:

A. An individual may become a candidate for mayor if the individual is a registered voter and:

1. The individual has resided within Salt Lake City for the 12 consecutive months immediately before the date of the election; or

2. If the territory in which the individual resides was annexed into Salt Lake City, the individual has resided within the annexed territory or Salt Lake City for 12 consecutive months immediately before the date of the election.

- B. An individual seeking to become a candidate for **mayor** shall, regardless of the nomination method by which the individual is seeking to become a candidate and except as provided in Utah Code Section 20A-9-203(3)(b) or its successor, file a declaration of candidacy in person with the city recorder during office hours and not later than 5:00 P.M. between June 1 and June 7 of any odd numbered year and pay the filing fee shown on the Salt Lake City consolidated fee schedule at the time of filing the declaration. When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5:00 P.M. on the following regular business day. Dates for declaration may be adjusted dependent upon the method of election selected.

In lieu of the filing fee, an individual may submit to the city recorder, in addition to the declaration of candidacy, a filing fee waiver petition signed by 45 residents of each council district, for a total of 315 City residents, who are at least 18 years old. The 315 signatures must be dated at least 10] days before the submission of the filing fee waiver. Any signatures dated less than 10 before the submission of the filing fee waiver will not be counted toward the required 315 signatures. Said filing fee waiver petition shall be construed as constituting an alternative to payment of the required filing fee for persons for whom such filing fee would create a financial hardship.

- C. The declaration of candidacy for the office of mayor shall substantially comply with the following form:

I, (print name)_____, being first sworn, say that I reside at _____ Street, Salt Lake City, County of Salt Lake, State of Utah, Zip Code _____, Telephone Number (if any) _____; that as of the date of the election for mayor on _____ I will have resided within Salt Lake City or an area annexed into Salt Lake City for the 12 consecutive months immediately before the date of such election; that I am a registered voter; and that I am a candidate for the office of mayor for the _____ term. If filing via a designated agent, I attest that I will be out of the state of Utah during the entire candidate filing period. I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots.

Signed)

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, 2____.

*(Signed)
(City Recorder or Notary Public)*

- D. An individual may become a candidate for council member if the individual is a registered voter and:
1. The individual has resided within the council district for which such individual seeks office for the 12 consecutive months immediately before the date of the election; or
 2. If the territory in which the individual resides was annexed into Salt Lake City and into the council district for which such individual seeks office, the individual has resided within the annexed territory or the council district for which such individual seeks office for the 12 consecutive months immediately before the date of the election.
- E. An individual seeking to become a candidate for council member shall, regardless of the nomination method by which the individual is seeking to become a candidate and except as provided in Utah Code Section 20A-9-203(3)(b) or its successor, file a declaration of candidacy, in person, with the city recorder during office hours and not later than 5:00 P.M. between June 1 and June 7 of any odd numbered year together with the filing fee shown on the Salt Lake City consolidated fee schedule. When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5:00 P.M. on the following regular business day. Dates for declaration may be adjusted dependent upon the method of election selected.

In lieu of the filing fee, the individual may submit to the city recorder, in addition to the declaration of candidacy, a filing fee waiver petition signed by 75 residents of the council district such individual seeks to represent who are at least 18 years old. The 75 signatures must be dated at least 10 days before the submission of the filing fee waiver. Said filing fee waiver petition shall be construed as constituting an alternative to payment of the required filing fee for persons for whom such filing fee would create a financial hardship.

- F. The declaration of candidacy for the office of council member shall substantially comply with the following form:

I, (print name) _____, being first sworn, say that I reside at _____ Street, Salt Lake City, County of Salt Lake, State of Utah, Zip Code _____, Telephone Number (if any) _____; that as of the date of the election for council member on _____ I will have resided within council district #____ in Salt Lake City or an area annexed into council district #____ in Salt Lake City for the 12 consecutive months immediately before the date of such election; that I am a registered voter; and that I am a candidate for the office of council member for council district #____ for the _____ term. I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots.

(Signed) _____

____ Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____,

2__.

(Signed)_____
(City Recorder or Notary Public)

- G. 1. Any resident of Salt Lake City may, after paying the filing fee shown on the Salt Lake City consolidated fee schedule, nominate a candidate for mayor by filing a nomination petition with the city recorder during office hours but not later than 5:00 P.M. between June 1 and June 7 of any odd numbered year and paying the filing fee shown on the Salt Lake City consolidated fee schedule.

When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5:00 P.M. on the following regular business day. In lieu of the filing fee, a filing fee waiver petition may be signed by 45 residents of each council district, for a total of 315 residents, who are at least 18 years old. The 315 signatures must be dated no later than 10 days before the submission of the filing fee waiver. Said signatures on the filing fee waiver petition shall be construed as constituting an alternative to payment of the required filing fee for persons for whom such fee would create a financial hardship.

- H. 1. Any resident of Salt Lake City may, after paying the filing fee shown on the Salt Lake City consolidated fee schedule, nominate a candidate for council member by filing a nomination petition with the city recorder during office hours but not later than 5:00 P.M. between June 1 and June 7 of any odd numbered year.

When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5:00 P.M. on the following regular business day. Dates for declaration may be adjusted dependent upon the method of election selected.

In lieu of the filing fee, a filing fee waiver petition may be signed by 75 residents of the said council district who are at least 18 years old. Said signatures on the filing fee waiver petition shall be construed as constituting an alternative to payment of the required filing fee for persons for whom such filing fee would create a financial hardship.

- I. 1. A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the city recorder within five days after the last day for filing.
2. If an objection is made, the city recorder shall:
- a. Email, mail or personally deliver notice of the objection to the affected candidate immediately; and

- b. Decide any objection within 48 hours after it is filed.
- 3. If the city recorder sustains the objection, the candidate may, within three days after the day on which the city recorder sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.
- 4.
 - a. The city recorder's decision upon objections to form is final.
 - b. The city recorder's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.
 - c. The decision of the district court is final unless the supreme court, in the exercise of its discretion, agrees to review the lower court decision.
- J. Any person who filed a declaration of candidacy or was nominated under this section may withdraw as a candidate by filing a written affidavit with the city recorder requesting to be removed as a candidate.

2.68.020: WRITE-IN CANDIDATES:

- A. An individual wishing to become a valid write-in candidate for mayor or for city council member shall file a declaration of candidacy in person with the city recorder and pay the fee shown on the Salt Lake City consolidated fee schedule before 5 p.m. no later than 65 days before the municipal general election in which the individual intends to be a write-in candidate.
- B.
 - 1. The city recorder shall:
 - a. Read to the candidate the constitutional and statutory requirements for office and the requirements for office under this chapter; and
 - b. Ask the candidate whether or not the candidate meets the requirements.
 - 2. If the candidate cannot meet the requirements of office, the city recorder may not accept the write-in candidate's declaration of candidacy.

SECTION 3. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2024.

Victoria Petro, Council Chair

ATTEST:

Cindy Lou Trishman, City Recorder

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

Erin Mendenhall, Mayor

ATTEST:

Cindy Lou Trishman, City Recorder

Bill No. _____ of 2024.

Published: _____

Approved as to Form

Date: 09/12/2024

/s/ David Quealy

Senior City Attorney, David Quealy

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SALT LAKE CITY ORDINANCE

No. _____ of 2024

(Campaign Finance Disclosures and City Elections)

An ordinance amending Chapter 2.46 of the Salt Lake City Code relating to Campaign Finance Disclosures and amending Chapter 2.68 of the Salt Lake City Code relating to City Elections.

WHEREAS, the City Council of Salt Lake City, Utah, desires to amend Sections 2.46.010, 2.46.030, 2.46.050, 2.46.060, 2.46.090, 2.46.100, 2.46.110, and 2.46.120 of the Salt Lake City Code, relating to Campaign Finance Disclosures; and

WHEREAS, the City Council of Salt Lake City, Utah, desires to amend Chapter 2.68 of the Salt Lake City Code, relating to City elections.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah that:

SECTION 1. Section 2.46.010 of the Salt Lake City Code, relating to definitions, is amended as follows:

2.46.010: DEFINITIONS:

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

BUMPER STICKER: A sign not exceeding four inches in height or 13 inches in length affixed to any part (including the interior) of a motor vehicle.

CANDIDATE: Any person who:

- A. Files a declaration of candidacy for an elected office of the city;
- B. Receives contributions, makes expenditures, or gives consent to any other person to receive contributions or make expenditures to bring about the person's nomination or election to an elected office of the city; or
- C. Causes, on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed, or disseminated that indicates his or her intention to seek an elected office of the city.

CONTRIBUTION: A. Any of the following when done for political purposes:

1. A gift, subscription, donation, loan, advance, or deposit of money or anything of value to a candidate or the candidate's personal campaign committee, 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. An express, legally enforceable contract, promise, or agreement, ~~express or implied, whether or not legally enforceable,~~ obligating another person or reporting entity to make a gift, subscription, donation, forgivable or partially forgivable loan, or an advance or deposit of money or anything of value to the candidate or the candidate's personal campaign committee contribution described in subsection A of this definition;

3. Any transfer of funds ~~between from another reporting entity to a~~ the candidate or the candidate's personal campaign committee;

~~D4.~~ Compensation paid by any person or reporting entity other than the candidate or the candidate's personal campaign committee for ~~personal~~ services of another person ~~rendered provided~~ without charge to the candidate or ~~such the~~ candidate's personal campaign committee;

5. A loan made by a candidate deposited to the candidate's own campaign;

6. An in-kind contribution; and

~~E7.~~ A coordinated expenditure; ~~but~~

~~F A.~~ "Contribution" ~~shall~~ does not include:

1. ~~personal s~~Services provided ~~without compensation~~ by an individuals volunteering ~~their a portion or all of the individual's~~ time on behalf of a candidate or ~~such the~~ candidate's personal campaign committee if the services are provided without compensation by the candidate or any other person;

2. Money lent to the candidate or the candidate's personal campaign committee by a financial institution in the ordinary course of business; or

3. Goods or services provided for the benefit of a candidate or ~~such the~~ the candidate's personal campaign committee at less than fair market value that are not authorized by or coordinated with the candidate or the candidate's personal campaign committee.

CONTRIBUTION ACCOUNT: A separate bank account of a hybrid political committee existing for the purpose of financing contributions.

COORDINATED EXPENDITURE: Except as ~~otherwise~~ provided in this ~~definition~~, an expenditure made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, ~~his or her the candidate's~~ 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.

COORDINATED WITH: The providing of goods or services for the benefit of a candidate:

- A. with the candidate's prior knowledge, if the candidate does not object;
- B. by agreement with the candidate;
- C. in coordination with the candidate; or
- D. using official logos, slogans, and similar elements belonging to a candidate.

ELECTION: A general, special, or primary election conducted by the city, including elections limited to referendums or bond issues.

ELECTION CYCLE: A. With respect to a city general ~~city election~~ or ~~ity~~ primary election for an elective position, the four ~~(4)~~ year period that ends on the February 15 immediately following the next ~~city~~ general ~~city~~ election for such elective position; and

- B. With respect to an election to fill an unexpired term of office, the period that begins on the earlier of: (1) the day the vacancy occurs, or (2) the day the impending vacancy is publicly announced, and ends on the February 15 immediately following the next ~~city~~ general ~~city~~ election for such elective position.

ELECTION YEAR: A calendar year during which a primary or general election is held or is scheduled to be held.

EXPENDITURE: A. Any of the following made by a candidate or an agent of the candidate on behalf of the candidate:

A1. A purchase, payment, donation, distribution, loan, advance, deposit, ~~or~~ gift of money, ~~or~~ transfer of anything of value made for political purposes;

B2. An express, legally enforceable contract, promise, or agreement entered into by a candidate or other reporting entity that obligates them express or implied, whether or not legally enforceable, to make ~~an expenditure described in subsection A of this definition~~ a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or transfer of anything of value for a political purpose; or

C3. A transfer of funds by a political committee to another political committee or to a candidate's personal campaign committee;

4. Any disbursement from contributions, receipts, or from an account described in subsection 2.46.050(E);

5. Compensation paid by a candidate or the candidate's personal campaign committee for services rendered by an individual;

6. A transfer of funds between the candidate and the candidate's personal campaign committee; or

7. Goods or services provided, at less than fair market value, by a reporting entity to or for the benefit of the candidate or the candidate's personal campaign committee for political purposes.

B. "Expenditure" does not include:

1. Non-professional volunteer services, such as door-to-door or telephonic canvassing, provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate or the candidate's personal campaign committee; or

2. Money lent to a candidate by a financial institution in the ordinary course of business.

HYBRID POLITICAL COMMITTEE: An entity or group of persons that represents in writing to the city recorder that it: ~~(a) maintains a noncontribution account, (b) maintains a contribution account, (c) makes contributions only from its contribution account, and (d) allocates its administrative expenses between the noncontribution account and the contribution account in a manner that closely corresponds to the percentage of activity for each account.~~

IN-KIND CONTRIBUTION: A contribution to a candidate or reporting entity of anything of value, other than money, that is accepted by or coordinated with a candidate or reporting entity.

INDEPENDENT EXPENDITURE: 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.

~~INDEPENDENT EXPENDITURES COMMITTEE: A person or entity that represents to the city recorder that it exists for the exclusive purpose of making independent expenditures and that it does not and will not make contributions, directly or indirectly, to a candidate or a personal campaign committee.~~

ISSUE: 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.

PARTY COMMITTEE: Any committee organized by or authorized by the governing body of a registered political party.

PERSON: 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.

PERSONAL CAMPAIGN COMMITTEE: The committee appointed by a particular candidate to act for such candidate as hereinafter provided.

~~POLITICAL COMMITTEE: 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, an independent expenditures committee, a hybrid political committee with respect to its noncontribution account, 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.~~

POLITICAL PURPOSE: An act done with the intent or in ~~such~~ a way ~~as~~ to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any ~~the nomination or election of~~ a candidate or the passage or defeat of any issue on the ballot at a municipal election.

PRIMARY ELECTION: Any primary election held pursuant to title 20A, Utah Code Annotated, or its successor.

REPORTING DATE: A. 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;

- B. 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
- C. Three ~~(3)~~ days before the filing date, for any other campaign finance statement required to be filed pursuant to this chapter.

REPORTING ENTITY:

- A. A candidate;
- B. A personal campaign committee;
- C. A person who holds an elected municipal office;
- D. A party committee as defined in Utah Code section 20A-11-101;
- E. A political committee;
- F. A corporation as defined in Utah Code section 20A-11-101; or
- G. A labor organization as defined in Utah Code section 20A-11-1501.

SECTION 2. Section 2.46.30 of the Salt Lake City Code, relating to registration with the city recorder, is amended as follows:

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.

SECTION 3. Section 2.46.050 of the Salt Lake City Code, relating to contribution limits to candidates, is amended as follows:

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 that, in the aggregate, exceed the ~~contribution limits listed on the City Recorder's election web page. following amounts:~~

Office	Amount
Mayor	\$3,500.00
City council	\$750.00

~~Every two years,~~ the city recorder shall adjust to the nearest ~~ten dollars (\$10.00)~~ the ~~amounts in this subsection B-most recently calculated contribution limits~~ by the percentage change in the consumer price index since the beginning of the previous election cycle and post the new amounts on the ~~city recorder's election webpage e.~~ For purposes of this subsection, "consumer price index" means the consumer price index for all urban consumers, United States city average, that is published by the United States department of labor, bureau of labor statistics.

- 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 ~~the contributing individual or entity.~~
- 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.

H. It shall be unlawful for any person:

1. Who enters into any contract or seeks to enter into any contract with the city either for the rendition of personal services or furnishing any material, supplies, or equipment to the city or for selling any land or building to the city, if payment for the performance of the contract is to be made in whole or in part from city funds, at any time between the commencement of negotiations for the contract and the later of: (a) the completion of performance under the contract, or (b) the termination of negotiations for the contract, directly or indirectly to make any contribution to a candidate or personal campaign committee; or

2. Knowingly to solicit a contribution from any such person during any such period.

SECTION 4. Section 2.46.060 of the Salt Lake City Code, relating to responsibility for political communications, is amended as follows:

2.46.060: RESPONSIBILITY FOR POLITICAL COMMUNICATIONS REQUIRED:

Every advertisement or communication made for a political purpose ~~which that~~ 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 ~~or electronic means~~ shall contain a disclosure of the name of the personal campaign committee ~~or political committee~~ responsible for its broadcast or publication.

SECTION 5. Section 2.46.090 of the Salt Lake City Code, relating to financial reporting, is amended as follows:

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 day on which~~ any municipal general or primary election is held;
- c. Except as provided in subsection A2 of this section, no later than ~~thirty (30)~~ days after the ~~date of day on which~~ the municipal general election is held; 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 of this section 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 ~~no later than thirty~~ within (30) days after the ~~date of day on which~~ the primary election is held. 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 receiving~~ each such contribution. Such report shall contain the information required by subsection A4b(2)(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:

(1) Report all of the personal campaign 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

(2) 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 **political campaign** 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 personal campaign 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 personal campaign 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 personal campaign 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 ~~which-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 personal campaign committee shall file a termination report with the city recorder certifying that the personal campaign committee has permanently ceased operations ~~and that there are no remaining funds. Candidates may donate excess funds to the campaign account of a candidate or officeholder; to a political action committee; to a political party; to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; or making another lawful expenditure of the money for a political purpose.~~

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~~of this section, 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 the day on which any municipal primary or general election is held; and~~

~~c. January 1031, 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, if known, 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, if known, and the amount of the contribution;~~

~~c. The name and address of any political committee, group, or entity, if known, 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:~~

~~(1) All contributions and expenditures not theretofore reported have been reported;~~

~~(2) There are no bills or obligations outstanding and unpaid except as set forth in the financial statement;~~

~~(3) The financial statement represents a good faith effort by the committee to comply with the provisions of this chapter; and~~

~~(4) 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:~~

~~(1) Beginning balance;~~

- ~~(2) Total contributions during the period since the last financial statement;~~
- ~~(3) Total contributions to date;~~
- ~~(4) Total expenditures during the period since the last financial statement; and~~
- ~~(5) 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 of this section, 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.~~

SECTION 6. Section 2.46.100 of the Salt Lake City Code, relating to forms of statements on file with city recorder, public inspection, and notice, is amended as follows:

**2.46.100: FORMS OF STATEMENTS ON FILE WITH CITY RECORDER;
AVAILABLE FOR PUBLIC INSPECTION; NOTICE FROM CITY RECORDER:**

- A. The city recorder shall **provide access to** all campaign finance and financial statements required by this chapter
- 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. 1. All statements and reports required by this chapter shall be available for public inspection and **printing** 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.
2. In addition, the city recorder shall make the campaign finance statement filed by a candidate available for public inspection by:
- a. (1) posting an electronic copy or the contents of the campaign finance statement on the city recorder's website no later than seven business days after the campaign finance statement is filed; and
 - (2) verifying that the address of the city recorder's website has been provided to the lieutenant governor in order to meet the requirements of Utah Code subsection 20A-11-103(5); or
 - (3) submitting a copy of the campaign finance statement to the lieutenant governor for posting on the website established by the lieutenant governor under Utah Code section 20A-11-103 no later than two business days after the campaign finance statement 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~~ 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 **shall be given by email, and also** may be **provided** by **any of the following options** United States mail, hand delivery, or overnight delivery service.

SECTION 7. Section 2.46.110 of the Salt Lake City Code, relating to failure to file financial statements, is amended as follows:

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 municipal primary or 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 the municipal 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. A candidate who is disqualified under subsection A shall file with the city recorder a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.

~~CD.~~ 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 ~~2.46.050 or~~ 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.

SECTION 8. Chapter 2.68 of the Salt Lake City Code, relating to ~~C~~city ~~E~~elections, is amended as follows:

2.68.010: DECLARATIONS OF CANDIDACY; SALT LAKE CITY GENERAL ELECTIONS:

- A. An individual ~~person~~ may become a candidate for mayor if the ~~person-individual~~ is a registered voter and:
1. The ~~person-individual~~ has resided within Salt Lake City for the ~~twelve (12)~~ consecutive months immediately before the date of the election; or
 2. If the territory in which the ~~person-individual~~ resides was annexed into Salt Lake City, the ~~person-individual~~ has resided within the annexed territory or Salt Lake City for ~~twelve (12)~~ consecutive months immediately before the date of the election.
- B. An individual seeking to become a candidate for mayor shall, regardless of the nomination method by which the individual is seeking to become a candidate and except as provided in Utah Code Section 20A-9-203(3)(b) or its successor, file a declaration of candidacy in person with the city recorder during office hours and not later than ~~five o'clock (5:00)~~ P.M. between June 1 and June 7 of any odd numbered year and pay the filing fee shown on the Salt Lake City consolidated fee schedule at the time of filing the declaration. When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until ~~five o'clock (5:00)~~ P.M. on the following regular business day. Dates for declaration may be adjusted dependent upon the method of election selected.
- In lieu of the filing fee, an ~~person-individual~~ may submit to the city recorder, in addition to the declaration of candidacy, a nominating-filing fee waiver petition signed by ~~forty-five (45)~~ residents of each council district, for a total of ~~three hundred fifteen (315)~~ City residents, who are at least ~~eighteen (18)~~ years old. The 315 signatures must be dated at least 10] days before the submission of the filing fee waiver. Any signatures dated less than 10 before the submission of the filing fee waiver will not be counted toward the required 315 signatures. Said nominating-filing fee waiver petition shall be construed as constituting an alternative to payment of the required filing fee for persons for whom such filing fee would create a financial hardship.

- C. The declaration of candidacy for the office of mayor shall substantially comply with the following form:

I, (print name) _____, being first sworn, say that I reside at _____ Street, Salt Lake City, County of Salt Lake, State of Utah, Zip Code _____, Telephone Number (if any) _____; that as of the date of the election for mayor on _____ I will have resided within Salt Lake City *or an area annexed into Salt Lake City* for the 12 consecutive months immediately before the date of such election; that I am a registered voter; and that I am a candidate for the office of mayor for the _____ term. If filing via a designated agent, I attest that I will be out of the state of Utah during the entire candidate filing period. I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots.

Signed)

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, 2____.

(Signed)
(City Recorder or Notary Public)

- D. An individual ~~person~~ may become a candidate for council member if the ~~person~~ individual is a registered voter and:
1. The ~~person~~ individual has resided within the council district for which such ~~person~~ individual seeks office for the ~~twelve (12)~~ consecutive months immediately before the date of the election; or
 2. If the territory in which the ~~person~~ individual resides was annexed into Salt Lake City and into the council district for which such ~~person~~ individual seeks office, the ~~person~~ individual has resided within the annexed territory or the council district for which such ~~person~~ individual seeks office for the ~~twelve (12)~~ consecutive months immediately before the date of the election.
- E. An individual seeking to become a candidate for council member shall, regardless of the nomination method by which the individual is seeking to become a candidate and except as provided in Utah Code Section 20A-9-203(3)(b) or its successor, file a declaration of candidacy, in person, with the city recorder during office hours and not later than ~~five o'clock (5:00)~~ P.M. between June 1 and June 7 of any odd numbered year together with the filing fee shown on the Salt Lake City consolidated fee schedule. When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until ~~five o'clock (5:00)~~ P.M. on the following regular business day. Dates for declaration may be adjusted dependent upon the method of election selected.

In lieu of the filing fee, the ~~person-individual~~ may submit to the city recorder, in addition to the declaration of candidacy, a nominating-filing fee waiver petition signed by ~~seventy-five (75)~~ residents of the council district such ~~person-individual~~ seeks to represent who are at least ~~eighteen (18)~~ years old. The 75 signatures must be dated at least 10 days before the submission of the filing fee waiver. Said nominating-filing fee waiver petition shall be construed as constituting an alternative to payment of the required filing fee for persons for whom such filing fee would create a financial hardship.

- F. The declaration of candidacy for the office of council member shall substantially comply with the following form:

I, (print name) _____, being first sworn, say that I reside at _____ Street, Salt Lake City, County of Salt Lake, State of Utah, Zip Code _____, Telephone Number (if any) _____; that as of the date of the election for council member on _____ I will have resided within council district #____ in Salt Lake City or an area annexed into council district #____ in Salt Lake City for the 12 consecutive months immediately before the date of such election; that I am a registered voter; and that I am a candidate for the office of council member for council district #____ for the _____ term. I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots.

(Signed) _____

____ Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, 2____.

(Signed) _____

____ (City Recorder or Notary Public)

- G. 1. Any resident of Salt Lake City may, after paying the filing fee shown on the Salt Lake City consolidated fee schedule, nominate a candidate for mayor by filing a nomination petition with the city recorder during office hours but not later than ~~five o'clock (5:00)~~ P.M. between June 1 and June 7 of any odd numbered year signed by:
- ~~a. Twentyfive (25) residents of Salt Lake City who are at least eighteen (18) years old; or~~
 - ~~b. Twenty percent (20%) of the residents of Salt Lake City who are at least eighteen (18) years old; and~~
 - ~~c. Pand~~ and paying the filing fee shown on the Salt Lake City consolidated fee schedule.

When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until ~~five o'clock (5:00)~~ P.M. on the following regular business day. In lieu of the filing fee, the nominating a filing fee waiver petition may be signed by an additional forty-five (45) residents of each council district, for a total of ~~three hundred fifteen (315)~~ additional

residents, who are at least ~~eighteen (18)~~ years old. The 315 signatures must be dated no later than [INSERT DAYS] days before the submission of the filing fee waiver. Said ~~additional~~ signatures on the nominating filing fee waiver petition shall be construed as constituting an alternative to payment of the required filing fee for persons for whom~~when~~ such fee would create a financial hardship.

~~2. a. The petition for mayor shall substantially conform to the following form:~~

~~*NOMINATION PETITION*~~

~~*The undersigned residents of Salt Lake City being 18 years old or older nominate (name of nominee) to the office of mayor.*~~

~~b. The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.~~

H. 1. Any resident of Salt Lake City may, after paying the filing fee shown on the Salt Lake City consolidated fee schedule, nominate a candidate for council member by filing a nomination petition with the city recorder during office hours but not later than ~~five o'clock (5:00)~~ P.M. between June 1 and June 7 of any odd numbered year ~~signed by:~~

~~a. Twentyfive (25) residents of the council district which the candidate seeks to represent who are at least eighteen (18) years old; or~~

~~b. Twenty percent (20%) of the residents of the council district which the candidate seeks to represent who are at least eighteen (18) years old; and~~

~~e~~

When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until ~~five o'clock (5:00)~~ P.M. on the following regular business day. Dates for declaration may be adjusted dependent upon the method of election selected.

In lieu of the filing fee, ~~the nominating a filing fee waiver~~ petition may be signed by ~~an additional seventy-five (75)~~ residents of the said council district who are at least ~~eighteen (18)~~ years old. Said ~~additional~~ signatures on the nominating filing fee waiver petition shall be construed as constituting an alternative to payment of the required filing fee for persons for whom~~when~~ such filing fee would create a financial hardship.

~~2. a. The petition shall substantially conform to the following form:~~

~~*NOMINATION PETITION*~~

~~*The undersigned residents of Salt Lake City being 18 years old or older nominate (name of nominee) to the office of councilmember.*~~

~~b. The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.~~

- I. 1. A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the city recorder within five ~~(5)~~ days after the last day for filing.

2. If an objection is made, the city recorder shall:

a. ~~Email~~, mail or personally deliver notice of the objection to the affected candidate immediately; and

b. Decide any objection within ~~forty-eight (48)~~ hours after it is filed.

3. If the city recorder sustains the objection, the candidate may, within three (3) days after the day on which the city recorder sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, ~~within three (3) days after the objection is sustained~~ or by filing a new declaration of candidacy within three (3) days after the objection is sustained.

4. a. The city recorder's decision upon objections to form is final.

b. The city recorder's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

c. The decision of the district court is final unless the supreme court, in the exercise of its discretion, agrees to review the lower court decision.

- J. Any person who filed a declaration of candidacy ~~or~~ was nominated ~~and any person who was nominated by a nomination petition, under this section~~ may, any time up to twenty three (23) days before the election, withdraw ~~the nomination as a candidate~~ by filing a written affidavit with the city recorder requesting to be removed as a candidate.

2.68.020: WRITE-IN CANDIDATES:

- A. ~~Each person~~ An individual wishing to become a valid write-in candidate for mayor or for city council member shall file a declaration of candidacy in person with the city recorder and pay the fee shown on the Salt Lake City consolidated fee schedule before 5 p.m. ~~not~~ later than ~~fourteen (14)~~ 65 days before the municipal general election in which the ~~person~~ individual intends to be a write-in candidate.

- B. 1. The city recorder shall:

a. Read to the candidate the constitutional and statutory requirements for office and the requirements for office under this chapter; and

- b. Ask the candidate whether or not the candidate meets the requirements.
- 2. If the candidate cannot meet the requirements of office, the city recorder may not accept the write-in candidate's declaration of candidacy.

LEGISLATIVE

SECTION 3. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2024.

Victoria Petro, Council Chair

ATTEST:

Cindy Lou Trishman, City Recorder

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

Erin Mendenhall, Mayor

ATTEST:

Cindy Lou Trishman, City Recorder

Bill No. _____ of 2024.

Published: _____

Approved as to Form

Date:

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