

Chapter 2.72A REVISED CAMPAIGN FINANCING DISCLOSURE

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2.72A.101 Definitions.

As used in this chapter:

"Address" means the number and street where an individual resides or where a reporting entity has its principal office.

"Candidate" means any person who:

1. Files a declaration of candidacy for a public office; or
2. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

"Chief election officer" means the county clerk.

"Contractor" means, for purposes of this chapter, any person, business, corporation, or other entity that executes a written agreement with the county for the acquisition or management of goods, services, or property, or the disposal of surplus goods, whether personal, real, or intangible, including all amendments, extensions, or addendums to the existing contract.

"Contribution" means:

1. Any of the following when done for political purposes:
 - a. A gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;
 - b. An express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;
 - c. Any transfer of funds from another reporting entity to the filing entity;
 - d. Compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity; and
 - e. Goods or services provided to or for the benefit of the filing entity at less than fair market value.
2. "Contribution" does not include:
 - a. Services provided without compensation by individuals volunteering a portion or all of their time or talents on behalf of the filing entity;
 - b. Money lent to the filing entity by a financial institution in the ordinary course of business; or
 - c. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars.

"County office" means the offices of county mayor, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county district attorney, county surveyor or county assessor.

"County office candidate" means a person who:

1. Files a declaration of candidacy for a county office; or
2. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a county office.

"Detailed listing" means:

1. For each contribution:
 - a. The name and address of the individual or source making the contribution;
 - b. The amount or value of the contribution; and
 - c. The date the contribution was made.
2. For each expenditure:
 - a. The amount of the expenditure;
 - b. The person or entity to whom it was disbursed;
 - c. The specific purpose, item, or service acquired by the expenditure; and
 - d. The date the expenditure was made.

"Election" means any general, special or primary election held pursuant to and as defined and provided by Titles 11.20, or 20A, Utah Code Annotated, or by any other applicable provision of state law or county ordinance, and conducted by the county.

"Election cycle" means:

1. The period following the general election but prior to the next political convention in any year in which the candidate has filed to run for county elected office;
2. The period following a political convention but prior to the primary election in any year in which the candidate has filed to run for county elected office;
3. The period following a primary election but prior to a general election in any year in which the candidate has filed to run for county elected office.

"Expenditure" means:

1. Any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
2. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
3. An express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
4. Compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

5. Transfer of funds between the filing entity and a candidate's personal campaign committee; or
6. Goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.
7. "Expenditure" does not include:
 - a. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
 - b. Money lent to a reporting entity by a financial institution in the ordinary course of business; or
 - c. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars.

"Filing entity" means the reporting entity that is filing a report required by this chapter.

"Financial statement" includes any summary report, interim report, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter.

"Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee.

"Incorporation" means the process established by Utah Code Title 10, Chapter 2, Part 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

"Incorporation election" means the election authorized by Utah Code Section 10-2-111.

"Incorporation petition" means a petition authorized by Utah Code Section 10-2-109.

"Individual" means a natural person.

"Interim report" means a report identifying the contributions received and expenditures made since the last report.

"Officeholder" means a person who holds a public office.

"Party committee" means any committee organized by or authorized by the governing board of a registered political party.

"Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, labor unions, and labor organizations.

"Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

"Political action committee" means:

1. An entity, or any group of individuals or entities within or outside this county, that solicits or receives contributions from any other person, group, or entity or makes expenditures for political purposes. A group or entity may not divide or separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.
2. "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.
3. "Political action committee" does not mean:
 - a. A registered political party or party committee or political party auxiliary;
 - b. Any 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;
 - c. An individual;
 - d. A corporation using its own funds, except a corporation whose intended purpose is to act as a political action committee;
 - e. Individuals who are related and who make contributions from a joint checking account; or
 - f. A personal campaign committee.

"Political convention" means a county political convention held by a registered political party to select candidates.

"Political issues committee" means:

1. An entity, or any group of individuals or entities within or outside this county, that solicits or receives donations from any other person, group, or entity or makes expenditures to influence, or to intend to influence, directly or indirectly, any person to:
 - a. Assist in placing a countywide ballot proposition on the ballot, assist in keeping a countywide ballot proposition off the ballot, or refrain from voting or vote for or vote against any countywide ballot proposition; or
 - b. Sign or refuse to sign a petition for a proposed incorporation, initiative, referendum, or change of county government or refrain from voting, vote for, or vote against a proposed incorporation, initiative, referendum, or change of county government.
2. "Political issues committee" does not mean:

- a. A registered political party or a party committee or political party auxiliary;
- b. Any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;
- c. An individual; or
- d. Individuals who are related and who make contributions from a joint checking account.

"Political issues contribution" means:

1. Any of the following:

- a. A gift, subscription, unpaid or partially unpaid loan, advance or deposit of money or anything of value given to a political issues committee;
- b. An express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;
- c. Any transfer of funds received by a political issues committee from a reporting entity;
- d. Compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and
- e. Goods or services provided to or for the benefit of a political issues committee at less than fair market value.

2. "Political issues contribution" does not include:

- a. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee;
- b. Money lent to a political issues committee by a financial institution in the ordinary course of business; or
- c. Volunteering use of assets for the benefit of a political issues committee that do not exceed fifty dollars.

"Political issues expenditure" means:

1. Any of the following:

- a. Any payment from political issues contributions made for the purpose of influencing the approval or the defeat of a countywide ballot proposition;

- b. A purchase, payment, distribution, loan, advance, deposit, or gift of money made for the purpose of influencing the approval or the defeat of a countywide ballot proposition;
- c. An express, legally enforceable contract, promise, or agreement to make any political issues expenditure;
- d. Compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or
- e. Goods or services provided to or for the benefit of another reporting entity at less than fair market value.

2. "Political issues expenditure" does not include:

- a. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee;
- b. Money lent to a political issues committee by a financial institution in the ordinary course of business; or
- c. Volunteering use of assets for the benefit of a political issues committee that do not exceed fifty dollars.

"Political party auxiliary" means the county subdivision of a registered political party organized in accordance with state law.

"Political purposes" means 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 for public office at any caucus, political convention, primary, or election.

"Primary election" means any regular primary election held under the election laws.

"Public office" means the office of county mayor, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county district attorney, county surveyor or county assessor.

"Publicly identified class of individuals" means a group of fifty or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial report they are listed.

"Receipts" means contributions.

"Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the county clerk's office.

"Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the county clerk's office.

"Registered political party" means an organization of voters that:

1. Participated in the last regular general election and polled a total vote equal to two percent or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or
2. Has complied with the petition and organizing procedures of set forth in Utah statutes.

"Report" means a verified financial statement.

"Reporting entity" means a candidate, a candidate's personal campaign committee, an officeholder and a party committee, a political action committee, and a political issues committee.

"Statement of organization" means an informational document filed by a reporting entity that complies with the requirements of this chapter.

"Source" means:

1. The person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.
2. For political action committees, "source" means the political action committee as an entity, not the contributors to the political action committee.

"Summary report" means the year-end report containing the summary of a reporting entity's contributions and expenditures.

"Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

(Ord. 1575 § 3, 2005; Ord. 1573 § 2 (part), 2005; Ord. 1528 § 2 (part), 2004)

2.72A.103 Reports--Form of submission--Notification by clerk--Legal holidays.

A. 1. Ten days before a financial statement or report from a county office candidate, office holder, political action committee or political issues committee is due under this chapter, the county clerk shall inform those candidates and entities by postal mail or, if requested by the reporting entity, by electronic mail:

- a. That the report is due; and
- b. The date that the report is due.

2. In addition to the information required by subsection (A)(1), ten days before the interim reports for candidates are due, the county clerk shall inform the candidate that, if the report is not received in the county clerk's office by five p.m. on the date that it is due, voters will be informed that the candidate has been disqualified and any votes cast for the candidate will not be counted.

3. In addition to the information required by subsection (A)(1) and in the same mailing, ten days before the interim reports or verified financial statements for entities are due, the county clerk shall inform the entity, candidate, officeholder that, if the report is not received in the county clerk's office by the date that it is due, the entity, candidate or officeholder may be guilty of an infraction for failing to file the report or statement.

B. Persons or entities submitting reports required by this chapter may submit them:

1. On paper, printed, typed or legibly handwritten or hand-printed;
2. Via fax; or
3. Upon an e-mail system being created by the county clerk, via electronic mail according to specifications established by the chief election officer.

C. A report is considered filed if:

1. It is received in the chief election officer's office no later than five p.m. on the date that it is due;
2. It is received in the chief election officer's office with a postmark three days or more before the date that the report was due; or
3. The candidate, or entity has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.

D. Whenever the date required for any filing in the county clerk's office before five p.m. required by this chapter falls on a legal holiday or a Saturday or Sunday, the filing may be delayed until five p.m. on the next county working day.

(Ord. 1573 § 2 (part), 2005: Ord. 1528 § 2 (part), 2004)

2.72A.104 Limitations on contributions.

A. Cash Contributions. No person shall make total cash contributions exceeding one hundred dollars during any calendar year to a filing entity, unless that contribution is made in the form of a personal or certified check, bank draft or money order identifying the donor.

B. Anonymous Contributions. The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a filing entity shall be transmitted to the county treasurer for deposit in the county general fund.

C. Proxy Contributions. No person shall make a contribution in the name of another person or make a contribution with another person's funds in their own name, and no filing entity shall knowingly accept such contributions. No person shall solicit another person to make a contribution with another person's or funds other than in their own name. Contributions made by registered political parties or reporting entities may be made and received so long as the name of the party or filing entity is imprinted on any check or other means of contribution and is listed in applicable financial statements made pursuant to this chapter.

D. Contributions by Contractors. A person, business, corporation or other entity that is a contractor with the county is prohibited from making a total of contributions that exceed one hundred dollars to any candidate for county office during the term of contract and during a single election cycle as defined in this section. For purposes of this section, a person or entity shall be considered a contractor and doing business with the county if it is engaged in any contract with the county on the date of the contribution or it has contracted with the county at any time during a one-year period prior to the date of the contribution. Any person, business, corporation or other entity making contributions of one hundred dollars or more to any county candidate shall be prohibited from entering into a contract for at least one year after the date the contribution was made. This provision shall only apply to contracts in excess of ten thousand dollars and shall not apply to contracts entered into by the county pursuant to existing statewide contracts, small-cost purchases, and expedited contracts when the county council waives the requirements of this section as to the expedited contract.

E. Contribution Caps. No donor shall make contributions to a county candidate in excess of six thousand dollars during the three election cycles defined in Section 2.72A.101. If the county candidate ceases to be a county candidate for any reason, contributions received from a donor totaling in excess of two thousand dollars per election cycle completed by the county candidate shall be refunded to the donor within ten days of the termination of the county candidacy. A county candidate filing the campaign financial statements or reports required by this chapter shall specifically identify each donor contribution received that is in excess of two thousand dollars and shall specifically identify the campaign contributions refunded pursuant to this section.

F. Penalties.

1. If a contribution or contributions are received without a candidate's knowledge of a violation of this section, the candidate may return the contribution without penalty if the contribution is returned within ten days after the candidate knows of the violation, by way of notification from the county clerk.

2. If any contribution is made in violation of the prohibition on contributions by contractors, any existing county contract with the contractor may be voided, at the discretion of the county mayor or council. Any contractor who knowingly makes a contribution or contributions in violation of this provision shall be guilty of a Class B misdemeanor.

3. If any contribution is made in violation of the prohibition on contributions by contractors, the official to whom that contribution is made must return the contribution. Any elected official who knowingly takes a contribution or contributions which are not returned under subsection (F)(1) of this section is in violation of this provision and may be guilty of a Class B misdemeanor.

(Ord. 1623 § 2, 2008: Ord. 1575 § 4, 2005: Ord. 1573 § 2 (part), 2005: Ord. 1549 § 2, 2005; Ord. 1541 § 3, 2004: Ord. 1528 § 2 (part), 2004)

2.72A.105 Political party contributions.

- A. State and local party committees are subject to the same monetary contribution limits as all other donors.
- B. In addition to direct monetary contributions, state and local party committees may make in-kind contributions of a maximum of ten thousand dollars per candidate for county elected office per election cycle. Independent expenditures made by a state or local party committee not coordinated with a candidate for county elected office are not subject to the in-kind limit. For the purposes of this section, coordination means consulting, cooperating, or working in concert with or at the request or suggestion of a candidate or party committee. Expenditures made in coordination with a candidate or party committee are treated as in-kind contributions to that candidate or party committee. They are subject to all the limits and disclosure requirements that apply to such contributions.
- C. If the names and/or likenesses (including photographs) of multiple candidates are used in any campaign materials or activities paid for by state and local party committees, the amount of the in-kind contribution to be reported and subject to the in-kind contribution limit, shall be determined by equally dividing the total expenditure by the number of candidates named in the material.

(Ord. 1573 § 2 (part), 2005)

2.72A.201 County office candidate and officeholder--Separate bank account for campaign funds.

- A. 1. Each county office candidate or the candidate's personal campaign committee or officeholder shall deposit each contribution received in one or more separate campaign accounts in a financial institution.
- 2. The county office candidate or the candidate's personal campaign committee or officeholder may use the monies in those accounts only for political or charitable purposes.
- B. A county office candidate or the candidate's personal campaign committee or officeholder may not deposit or mingle any contributions received into a personal or business account.
- C. If a person who is no longer a county office candidate or officeholder chooses not to expend the monies remaining in his or her campaign account, the person shall continue to file the year-end summary report required by Section 2.72A.203 until the statement of dissolution and final summary report required by Section 2.72A.205 are filed with the county clerk.
- D. Campaign account bank statements shall be provided to the county clerk or district attorney upon request for verification purposes in the event of an official complaint or discrepancy in reporting.

(Ord. 1573 § 2 (part), 2005: Ord. 1541 § 4, 2004: Ord. 1528 § 2 (part), 2004)

2.72A.202 County office candidate and officeholder--Personal campaign committee required.

A. 1. a. Each county office candidate or officeholder shall select no more than one personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and file reports connected with the candidate's campaign.

b. A county office candidate may serve as his or her own campaign committee.

2. Except for expenses made by a registered political party to benefit a party's candidates generally, a county office candidate or officeholder or other person acting in concert with or with the knowledge of the county office candidate or officeholder may not receive any contributions or make any expenditures on behalf of a county office candidate or officeholder other than through a personal campaign committee established under this section.

B. 1. Before any county office candidate or officeholder shall receive contributions in excess of two hundred fifty dollars or make expenditures in excess of two hundred fifty dollars on behalf of any candidacy, the county office candidate or officeholder shall file a written statement of organization signed by the candidate or officeholder or authorized member of the candidate's or officeholder's personal campaign committee with the county clerk that:

a. Informs the county clerk that the county office candidate's or officeholder's personal campaign committee has been selected;

b. Provides the name, address and title of each member and the secretary of the committee. If a personal campaign committee consists of only one person, that person shall be deemed the secretary.

2. A county office candidate, the officeholder or the candidate's or officeholder's personal campaign committee may not make any expenditures above two hundred fifty dollars on behalf of the candidate until the statement has been filed.

3. A county office candidate or office holder may revoke the selection of any member of the campaign committee by:

a. Revoking that person's appointment or selection in writing;

b. Personally serving the written revocation on the member whose selection is revoked; and

c. Filing a copy of the written revocation with the county clerk.

4. a. The county office candidate or officeholder may select a replacement to fill any vacancy on the campaign committee.

b. The county office candidate shall file that replacement's name and address with the county clerk.

C. A member of a county office candidate's or officeholder's personal campaign committee may not make an expenditure of more than one thousand dollars unless the county office candidate, officeholder or secretary of the personal campaign committee authorizes the expenditure in writing.

D. A county office candidate, officeholder or the candidate's or officeholder's personal campaign committee may not make any expenditures prohibited by law.

(Ord. 1528 § 2 (part), 2004)

2.72A.203 County office candidate and officeholder--Financial reporting requirements--Year-end summary report.

A. Each county office candidate or officeholder shall file a summary report by January 31st of each year.

B. 1. Each summary report shall include the following information as of December 31st of the previous year:

- a. The net balance of the last summary report, if any;
 - b. A single figure equal to the total amount of receipts reported on all interim reports, if any;
 - c. A single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the election year;
 - d. A detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
 - e. For each nonmonetary contribution, the fair market value of the contribution;
 - f. A detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
 - g. For each nonmonetary expenditure, the fair market value of the expenditure; and
 - h. A net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.
2. a. For all single contributions of fifty dollars or less, a single aggregate figure may be reported without separate detailed listings.
- b. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.

c. Individual donors who contribute an aggregate of two hundred dollars or more over the duration of all three election cycles to a single candidate shall disclose, and candidates shall report, with the contribution, their occupation and employer. Donors shall continue to disclose their occupation and employer with every subsequent contribution made to a single candidate upon reaching the two hundred dollars aggregate, and candidates shall continue to report same.

3. In preparing the report, all receipts and expenditures shall be reported as of December 31st of the previous year.

C. The summary report shall contain a paragraph signed by an authorized member of the county office candidate's or officeholder's personal campaign committee or by the county office candidate or officeholder certifying that, to the best of the signer's knowledge, all receipts and all expenditures have been reported as of December 31st of previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(Ord. 1575 § 5, 2005: Ord. 1573 § 2 (part), 2005: Ord. 1541 § 5, 2004: Ord. 1528 § 2 (part), 2004)

**2.72A.204 County office candidate and officeholder--Financial reporting requirements--
Interim reports.**

A. Each county office candidate or officeholder shall file an interim report before five p.m. on the following days in any year in which the candidate or officeholder has filed a declaration of candidacy for a public office for that year:

1. For the period ending March 31st, the report shall be due April 5th;
2. For the period ending eight days before the primary election, the report shall be due seven days before the primary election date;
3. For the period ending September 10th, the report shall be due September 15th; and
4. For the period ending eight days before the regular general election, the report shall be due seven days before the regular general election date.

B. Each interim report shall include the following information:

1. The net balance of the last summary report, if any;
2. A single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
3. A single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

4. A detailed listing of each contribution received since the last summary report that has not been reported in detail on a prior interim report;
 5. For each nonmonetary contribution, the fair market value of the contribution;
 6. A detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
 7. For each nonmonetary expenditure, the fair market value of the expenditure;
 8. A net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and
 9. A summary page in the form required by the county clerk that identifies:
 - a. Beginning balance;
 - b. Total contributions during the period since the last statement;
 - c. Total contributions to date;
 - d. Total expenditures during the period since the last statement; and
 - e. Total expenditures to date.
- C. 1. For all individual contributions of fifty dollars or less, a single aggregate figure may be reported without separate detailed listings.
2. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.
3. Individual donors who contribute an aggregate of two hundred dollars or more over the duration of all three election cycles to a single candidate shall disclose, and candidates shall report, with the contribution, their occupation and employer. Donors shall continue to disclose their occupation and employer with every subsequent contribution made to a single candidate upon reaching the two hundred dollars aggregate, and candidates shall continue to report same.

(Ord. 1575 § 6, 2005: Ord. 1573 § 2 (part), 2005: Ord. 1541 § 6, 2004: Ord. 1528 § 2 (part), 2004)

2.72A.204.5 Small budget campaigns.

A. A county candidate, officeholder or their respective personal campaign committee which expects neither the aggregate contributions to be received, nor the aggregate expenditures to be made, by or on behalf of the county candidate, officeholder or their respective committee, to exceed two thousand dollars total amount during the calendar year may file, with the county clerk, a certificate to that effect.

The certificate must be filed with the county clerk before five p.m. on April 5th. Entities which choose to file a certificate and which do not exceed the two thousand dollar limit need only file with the county clerk verified financial statements before five p.m. seven days prior to the regular general election, and before five p.m. on January 31st following the general election.

B. At any time following the filing of a certificate with the clerk, if either the aggregate contributions or aggregate expenditures exceed two thousand dollars the entity shall, within seven days after exceeding the two thousand dollar limit, file a verified financial statement which shall reflect all contributions received and expenditures made by or on behalf of the candidate or personal committee to that date.

C. Upon exceeding the two thousand dollar limit, the personal campaign committee shall follow the normal reporting procedures set out in this chapter.

(Ord. 1573 § 2 (part), 2005: Ord. 1541 § 7, 2004: Ord. 1528 § 2 (part), 2004)

2.72A.205 County office candidate--Financial reporting requirements--Termination of duty to report.

A. Each county office candidate, officeholder and their respective personal campaign committee is considered active and subject to interim reporting requirements until the candidate withdraws or is eliminated in a convention, primary, or general election or the officeholder files a statement of dissolution with the county clerk.

B. Each county office candidate, officeholder and their respective personal campaign committee is considered active and subject to year-end summary reporting requirements until the candidate or officeholder has filed a statement of dissolution with the county clerk stating that:

1. The county office candidate, officeholder or their respective personal campaign committee is no longer receiving contributions and is no longer making expenditures;
2. The ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 2.72A.201 is zero, with copies of all campaign account bank statements received since the last year-end summary or other financial report; and
3. A final summary report in the form required by Section 2.72A.203 showing a zero balance is attached to the statement of dissolution.

C. Each political action committee and political issues committee is considered active and subject to year-end summary reporting requirements until the political action committee or political issues committee has filed a statement of dissolution with the county clerk stating that:

1. The political action committee or political issues committee is no longer receiving contributions and is no longer making expenditures; and

2. A final summary report in the form required by Section 2.72A.203 showing a zero balance is attached to the statement of dissolution.

D. A statement of dissolution and a final summary report may be filed at any time.

E. Each county office candidate, officeholder and their respective personal campaign committee shall continue to file the year-end summary report required by Section 2.72A.203 until the statement of dissolution and final summary report required by this section are filed with the county clerk.

(Ord. 1541 § 8, 2004; Ord. 1528 § 2 (part), 2004)

2.72A.206 County office candidate and officeholder--Failure to file reports--Notice by county clerk--Penalties--Limitation of action.

A. Within five days after a deadline for the filing of an interim report and within thirty days after the deadline for filing a summary report, the county clerk shall review each filed report to ensure that:

1. Each county office candidate and officeholder that is required to file an interim report or summary report has filed one; and
2. Each interim report or summary report contains the information required by this part.

B. 1. If a county office candidate fails to timely file an interim report due immediately before the regular primary election, September 15th, or immediately before the regular general election, the county clerk shall, after making a reasonable attempt to discover if the report was timely mailed, inform the appropriate election officials who:

- a. Shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or
- b. Shall, 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
- c. May not count any votes for that candidate.

2. Any county office candidate who fails to file timely a financial statement required by this part is disqualified.

3. Notwithstanding subsections (B)(1) and (B)(2), a county office candidate is not disqualified if:

- a. The candidate timely files the reports required by this section;
- b. Those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

c. Those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

C. 1. Upon review of the county clerk, if it appears that any county office candidate or officeholder has failed to file an interim report or the summary report required by law, if it appears that a filed interim report or summary report does not conform to the law, if the report contains obvious material omissions, errors, or inaccuracies, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any summary report, the county clerk shall, within five days of discovery of a violation or receipt of a written complaint, notify by registered mail or personal service, the county office candidate or officeholder of the violation or written complaint and direct the county office candidate or officeholder to file an interim report or summary report correcting the problem.

2. It is unlawful for any county office candidate or officeholder to fail to file or amend an interim report or summary report within fourteen days after receiving notice from the county clerk under this section.

a. If a candidate or officeholder's failure to file a report results from inadvertence or neglect the candidate or officeholder is guilty of an infraction.

b. If a candidate or officeholder files a report later than fourteen days after receiving notice from the county clerk or if a candidate or officeholder files a report that includes inadvertent omissions or insignificant errors or inaccuracies, and those errors or inaccuracies are not corrected in the candidate or officeholder's next report, the candidate or officeholder is guilty of an infraction.

c. If a candidate or officeholder knowingly and intentionally violates any reporting requirement by failure to file a report or knowingly and intentionally filing a false report, the candidate or officeholder is guilty of a Class B misdemeanor.

D. Any officeholder convicted of a misdemeanor under subsection (C)(2) of this section shall be subject to removal from office by judicial proceedings, as provided in Section 77-6-1, et seq., Utah Code Annotated (as amended).

E. If a fourteen-day notice has been given by the clerk, any prosecution must be initiated within one year after expiration of that notice.

(Ord. 1575 § 7, 2005: Ord. 1573 § 2 (part), 2005: Ord. 1541 § 9, 2004: Ord. 1528 § 2 (part), 2004)

2.72A.601 Political action committees--Registration.

A. Each political action committee shall file a statement of organization with the county clerk's office no later than seven days after:

1. Receiving contributions totaling at least seven hundred fifty dollars in any calendar year; or

2. Distributing expenditures for political purposes totaling at least seven hundred fifty dollars in any calendar year.

B. The statement of organization shall include:

1. The name and address of the political action committee;
2. The name, address, occupation and title of each officer;
3. The name and address of the organization, individual corporation, association, unit of government, or union that the political action committee represents, if any;
4. The name and address of all affiliated or connected organizations and their relationships to the political action committee;
5. The name, address, business address, occupation, and phone number of the committee's treasurer or chief financial officer; and
6. The name, address, and occupation of each member of the governing board, if any.

C. 1. Any registered political action committee that intends to permanently cease operations shall file a notice of dissolution with the county clerk's office.

2. Any notice of dissolution filed by a political action committee does not exempt that political action committee from complying with the financial reporting requirements of this chapter.

D. Political action committees are not required to file under this section if a statement of organization is filed with the state in accordance with state law.

(Ord. 1528 § 2 (part), 2004)

2.72A.602 Political action committees--Financial reporting.

A. 1. Each registered political action committee that has received contributions or made expenditures that total at least seven hundred fifty dollars during a calendar year shall file a verified financial statement with the county clerk's office on the following dates:

- a. January 31st reporting contributions and expenditures as of December 31st of the previous year;
- b. For the period ending March 31st, the report shall be due April 5th;
- c. For the period ending eight days before the primary election date, the report shall be due seven days preceding the primary election date;
- d. For the period ending September 10th, the report shall be due September 15th; and
- e. For the period ending eight days before the regular general election, the report shall be due seven days preceding the regular general election.

2. The registered political action committee shall report a detailed listing of all contributions received and expenditures made since the last statement.
 3. The registered political action committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.
- B. 1. The verified financial statement shall include:
- a. The name and address of any individual that makes a contribution to the reporting political action 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 action committee, and the amount of the contribution;
 - c. The name and address of any political action committee, group, or entity that makes a contribution to the reporting political action committee, and the amount of the contribution;
 - d. For each nonmonetary contribution, the fair market value of the contribution;
 - e. The name and address of each reporting entity that received an expenditure from the reporting political action committee, and the amount of each expenditure;
 - f. For each nonmonetary expenditure, the fair market value of the expenditure;
 - g. The total amount of contributions received and expenditures disbursed by the reporting political action committee;
 - h. A paragraph signed by the political action committee's treasurer or chief financial officer verifying that, to the best of the signer's knowledge, the financial report is accurate; and
 - i. A summary page in the form required by the county clerk that identifies:
 - i. Beginning balance;
 - ii. Total contributions during the period since the last statement;
 - iii. Total contributions to date;
 - iv. Total expenditures during the period since the last statement; and
 - v. Total expenditures to date.
2. a. Contributions received by a political action committee that have a value of fifty dollars or less need not be reported individually, but shall be listed on the report as an aggregate total.

b. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.

C. Political action committees are not required to file under this section if reports are filed with the state in accordance with state law.

(Ord. 1573 § 2 (part), 2005: Ord. 1528 § 2 (part), 2004)

2.72A.603 Political action committee--Failure to file reports--Notice by county clerk--Penalties--Limitation of action.

A. Within five days after a deadline for the filing of a financial statement or statement of organization, the county clerk shall review each filing to ensure that:

1. Each political action committee that is required to file a financial statement or statement of organization has filed one; and
2. Each filing contains the information required by this part.

B. 1. Upon review of the county clerk, if it appears that any political action committee has failed to file a financial statement or statement of organization required by law, if it appears that a filing does not conform to the law, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any filing, the county clerk shall, within five days of discovery of a violation or receipt of a written complaint, notify the political action committee of the violation or written complaint and direct the political action committee to file financial statement or statement of organization correcting the problem.

2. It is unlawful for any political action committee to fail to file or amend a financial statement or statement of organization within fourteen days after receiving notice from the county clerk under this section.

C. Each political action committee which violates subsection (B)(2) is guilty of an infraction, with the following exceptions:

1. A political action committee does not violate subsection (B)(2) if:
 - a. The political action committee files the financial statements or statement of organization required by this section prior to the expiration of the fourteen days notice set forth in subsection (B)(2);
 - b. Those filings are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
 - c. Those omissions, errors, or inaccuracies are corrected in an amended filing or in the next scheduled filing; or

2. The failure to comply with subsection (B)(2) results from inadvertence or negligence or is otherwise not an intentional violation.

D. The county clerk shall report all violations of subsection (B)(2) to the district attorney.

E. No action under subsection (C) can be brought after one year from the expiration of the fourteen-day period set forth in subsection (B)(2). In no event shall any action under this subsection be initiated later than four years after the financial statement or statement of organization was due under this chapter.

(Ord. 1528 § 2 (part), 2004)

2.72A.801 Political issues committees--Registration.

A. Each political issues committee shall file a statement of organization with the county clerk's office no later than seven days after receiving political issues contributions totaling at least seven hundred fifty dollars or disbursing political issues expenditures totaling at least fifty dollars in any calendar year.

B. The statement of organization shall include:

1. The name and address of the political issues committee;
2. The name, address, occupation, and title of each officer;
3. The name and address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;
4. The name and address of all affiliated or connected organizations and their relationships to the political issues committee;
5. The name, address, business address, occupation, and phone number of the committee's treasurer or chief financial officer;
6. The name, address, and occupation of each member of the supervisory board, if any; and
7. The ballot proposition whose outcome they wish to affect, and whether they support or oppose it.

C. 1. Any registered political issues committee that intends to permanently cease operations during a calendar year shall file a notice of dissolution with the county clerk's office.

2. Any notice of dissolution filed by a political issues committee does not exempt that political issues committee from complying with the financial reporting requirements of this chapter.

D. Political issues committees are not required to file under this section if a statement of organization is filed with the state in accordance with state law.

(Ord. 1528 § 2 (part), 2004)

2.72A.802 Political issues committees--Financial reporting.

A. 1. Each registered political issues committee that has received political issues contributions totaling at least seven hundred fifty dollars or disbursed political issues expenditures totaling at least fifty dollars during a calendar year on current or proposed countywide ballot propositions, to influence an incorporation petition or an incorporation election, or on initiative petitions to be submitted to the county council, shall file a verified financial statement with the county clerk's office on the following dates:

- a. On January 31st, reporting contributions and expenditures as of December 31st of the previous year;
 - b. For the period ending eight days before the date of an incorporation election, the report shall be due seven days preceding the incorporation election if the political issues committee has received donations or made expenditures to affect an incorporation;
 - c. For the period ending March 31st, the report shall be due April 5th;
 - d. June 15th;
 - e. At least three days before the first public hearing held on any initiative;
 - f. At the time the sponsors submit the verified and certified initiative packets to the county clerk;
 - g. For the period ending September 10th, the report shall be due September 15th; and
 - h. For the period ending eight days before the regular general election, the report shall be due seven days preceding the general election date.
2. The political issues committee shall report a detailed listing of all contributions received and expenditures made since the last statement.
3. The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.

B. 1. That statement shall include:

- a. The name and address of any individual that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- b. The identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

- c. The name and address of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
 - d. The name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
 - e. For each nonmonetary contribution, the fair market value of the contribution;
 - f. Except as provided in subsection (B)(3), the name and address of each individual, entity or group of individuals or entities that received a political issues expenditure of more than fifty dollars from the reporting political issues committee, and the amount of each political issues expenditure;
 - g. For each nonmonetary expenditure, the fair market value of the expenditure;
 - h. The total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;
 - i. A paragraph signed by the political issues committee's treasurer or chief financial officer verifying that, to the best of the signer's knowledge, the financial statement is accurate; and
 - j. A summary page in the form required by the county clerk that identifies:
 - i. Beginning balance;
 - ii. Total contributions during the period since the last statement;
 - iii. Total contributions to date;
 - iv. Total expenditures during the period since the last statement; and
 - v. Total expenditures to date.
2. a. Political issues contributions received by a political issues committee that have a value of fifty dollars or less need not be reported individually, but shall be listed on the report as an aggregate total.
- b. Two or more political issues contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.
3. When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:
- a. Need only report the amount paid to each initiative petition circulator; and
 - b. Need not report the name or address of the circulator.

4. Political issues committees are not required to file under this section if reports are filed with the state in accordance with state law.

(Ord. 1573 § 2 (part), 2005: Ord. 1528 § 2 (part), 2004)

2.72A.803 Political issue committee--Failure to file reports--Notice by county clerk--Penalties--Limitation of action.

A. Within five days after a deadline for the filing of a financial statement or statement of organization, the county clerk shall review each filing to ensure that:

1. Each political issues committee that is required to file a financial statement or statement of organization has filed one; and
2. Each filing contains the information required by this part.

B. 1. Upon review of the county clerk, if it appears that any political issues committee has failed to file a financial statement or statement of organization required by law, if it appears that a filing does not conform to the law, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any filing, the county clerk shall, within five days of discovery of a violation or receipt of a written complaint, notify the political issues committee of the violation or written complaint and direct the political issues committee to file financial statement or statement of organization correcting the problem.

2. It is unlawful for any political issues committee to fail to file or amend a financial statement or statement of organization within fourteen days after receiving notice from the county clerk under this section.

C. Each political issues committee which violates subsection (B)(2) is guilty of an infraction, with the following exceptions:

1. A political issues committee does not violate subsection (B)(2) if:
 - a. The political issues committee files the financial statements or statement of organization required by this section prior to the expiration of the fourteen days notice set forth in subsection (B)(2);
 - b. Those filings are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
 - c. Those omissions, errors, or inaccuracies are corrected in an amended filing or in the next scheduled filing; or
 - d. The failure to comply with subsection (B)(2) results from inadvertence or negligence or is otherwise not an intentional violation.

D. The county clerk shall report all violations of subsection (B)(2) to the district attorney.

E. No action under subsection (C) can be brought after one year from the expiration of the fourteen day period set forth in subsection (B)(2). In no event shall any action under this subsection be initiated later than four years after the financial statement or statement of organization was due under this chapter.

(Ord. 1528 § 2 (part), 2004)

2.72A.1001 Blanks for statements prepared and furnished by chief election officer.

The chief election officer shall:

A. Develop and prepare forms for all statements required by this chapter; and

B. Provide copies of the forms to the secretary of every committee, to every candidate, and to all others who request them.

(Ord. 1528 § 2 (part), 2004)

2.72A.1002 Retention and public inspection of financial statements--Written complaint if statement is false or unlawful.

A. The chief election officer shall:

1. Make each financial statement and statement of organization required by this chapter:

a. Open to public inspection in the office of the chief election officer; and

b. When an internet accessible system has been established by the county clerk, make such documents available for viewing on the Internet at the county clerk's website within seven calendar days after the report is received by the chief election officer, except that the county clerk shall exclude home addresses and other personal information from being viewed on the internet;

2. Preserve those statements for at least five years; and

3. Provide certified copies of the financial statements in the same manner as for other public records.

B. Any candidate or voter may file a written complaint with the chief election officer alleging that a filed financial statement does not conform to law or to the truth.

(Ord. 1528 § 2 (part), 2004)

