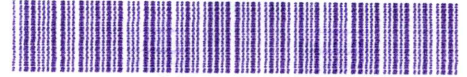


ORDINANCE 2022 - 133

AN ORDINANCE AMENDING UTAH COUNTY CODE  
SECTIONS 2-5-1, 2-5-2 AND 2-5-3 AND ENACTING SECTIONS 2-5-4 AND 2-5-5  
RELATED TO CAMPAIGN FINANCIAL DISCLOSURE

The County Legislative Body of Utah County ordains as follows:

Part I:



Chapter 2, Sections 2-5-1, 2-5-2 and 2-5-3 of the Utah County Code are hereby amended, and Sections 2-5-4 and 2-5-5 are hereby enacted to read as follows:

CHAPTER 2. ADMINISTRATION  
Article 2-5. Campaign Financial Disclosure

**2-5-1. Definitions**

For the purpose of this Article, the following words shall have the meanings respectively ascribed to them:

- a) "Contribution" means any of the following when done for political purposes:
  - 1) a gift, subscription, donation, loan, advance, or deposit of money or any tangible item of value given to the filing entity;
  - 2) 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 any tangible item of value to the filing entity;
  - 3) any transfer of funds from another reporting entity, candidate, or a corporation, to the filing entity;
  - 4) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
  - 5) goods or services provided to or for the benefit of the filing entity at less than fair market value.
- b) "Contribution" does not include:
  - 1) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the filing entity; or
  - 2) money lent to the filing entity by a financial institution in the ordinary course of business.
- c) "Expenditure" means:
  - 1) any disbursement from contributions, receipts, or from a separate bank account required by State law;
  - 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 corporation or filing entity for personal services rendered by a person without charge to a reporting entity;
  - 5) a 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.
- d) "Expenditure" does not include:
  - 1) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
  - 2) money lent to a reporting entity by a financial institution in the ordinary course of business; or
- e) "Filing entity" means the reporting party that is filing a report required by this Article and includes candidates for county office and local school boards who reside in Utah County.

**2-5-2. Separate Bank Account for Campaign Funds.**

- a) Each filing entity shall deposit each contribution received in one or more separate campaign accounts in a financial institution.
- b) A filing entity may not deposit or mingle any contributions received into a personal or business account.

**2-5-3. Campaign Financial Disclosure.**

Each filing entity shall file signed campaign financial statements with the County Clerk reporting their itemized and total campaign contributions and expenditures at the following times:

- a) Each filing entity for elective office that participates in a county convention as a candidate shall file a signed campaign financial statement containing the information required by this section seven days before the date of the county convention, reporting contributions and expenditures as of ten days before the date of the county convention that includes:
  - 1) a list of each contribution received after the cutoff date for the prior statement, and the name of the donor, and
  - 2) a list of each expenditure for political purposes made by the candidate after the cutoff date for the prior statement, and the recipient of each expenditure.
- b) Each filing entity for elective office that is eliminated at the county convention shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the date of the county convention that includes:
  - 1) a list of each contribution received after the cutoff date for the prior statement, and the name of the donor;
  - 2) a list of each expenditure for political purposes made by the candidate after the cutoff date for the prior statement, and the recipient of each expenditure.
- c) Each filing entity for elective office at the primary election shall file a signed campaign financial statement containing the information required by this section seven days before the date of the primary election, reporting contributions and expenditures as of ten days before the date of the primary election that includes:
  - 1) a list of each contribution received by the candidate as of ten days before the election, and the name of the donor;
  - 2) a list of each expenditure for political purposes made during the reporting period, and the recipient of each expenditure.
- d) Each filing entity for elective office that is eliminated at the primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the date of the primary election that includes:

- 1) a list of each contribution received after the cutoff date for the prior statement, and the name of the donor;
  - 2) a list of each expenditure for political purposes made by the candidate after the cutoff date for the prior statement, and the recipient of each expenditure.
- e) Each filing entity for elective office at the general election shall file a signed campaign financial statement containing the information required by this section seven days before the date of the general election, reporting contributions and expenditures as of ten days before the date of the general election that includes:
- 1) a list of each contribution received by the candidate as of ten days before the election, and the name of the donor;
  - 2) a list of each expenditure for political purposes made during the reporting period, and the recipient of each expenditure.
- f) Each filing entity for elective office that is eliminated at the general election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the date of the general election that includes:
- 1) a list of each contribution received after the cutoff date for the prior statement, and the name of the donor;
  - 2) a list of each expenditure for political purposes made by the candidate after the cutoff date for the prior statement, and the recipient of each expenditure.
- g) Each filing entity that is eliminated, withdrawn or disqualified after filing as a candidate for elective office shall file a signed campaign financial statement containing the information required by this section no later than 30 days after the candidate has been eliminated, withdrawn or disqualified that includes:
- 1) a list of each contribution received after the cutoff date for the prior statement, and the name of the donor;
  - 2) a list of each expenditure for political purposes made by the candidate after the cutoff date for the prior statement, and the recipient of each expenditure.
- h) Each elected county officer and member of a local school board who resides in Utah County whose term of office is greater than two years shall file a signed campaign financial statement containing the information required by this section not later than December 31 of the second year of the term of office, reporting contributions and expenditures as of 31 days before the date of this report that includes:
- 1) a list of each contribution received after the cutoff date for the prior statement, and the name of the donor;
  - 2) a list of each expenditure for political purposes made by the candidate after the cutoff date for the prior statement, and the recipient of each expenditure.
- i) Each filing entity shall include on any campaign financial statement filed in accordance with this Section:
- 1) a contribution deposited into an account:
    - i) since the last campaign finance statement was filed; or
    - ii) that has not been reported under a statute or ordinance that governs the account; or
  - 2) an expenditure made from an account:
    - i. since the last campaign finance statement was filed; or
    - ii. that has not been reported under a statute or ordinance that governs the account.

**2-5-4. Limitation of Contributions.**

Unknown and/or anonymous contributions. Any unknown and/or anonymous contributions received by a candidate or office holder that exceed \$50 shall;

- a) Be identified as a contribution in the applicable campaign financial disclosure, identified as an expenditure paid to the County Treasurer in the applicable campaign financial disclosure within 30 days, and transmitted to the County Treasurer for deposit in the county general fund; or
- b) Be identified as a contribution in the applicable campaign financial disclosure, identified as an expenditure paid to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code, in the applicable campaign financial disclosure within 30 days.

**2-5-5. Penalties.**

- a) Any person who fails to comply with this section is guilty of an infraction.
- b) If a candidate fails to file a report due before the election, the county clerk may send an electronic notice to the candidate and the political party of which the candidate is a member, if any, that states:
  - 1) that the candidate failed to timely file the report; and
  - 2) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified, and the political party will not be permitted to replace the candidate; and
  - 3) impose a fine of \$100 on the candidate.
- c) The county clerk shall disqualify a candidate and inform the appropriate election officials that the candidate is disqualified if the candidate fails to file a report described in section 2-5-3, and 2-5-4 within 24 hours after the deadline for filing the report.
- d) The political party of a candidate who is disqualified under subsection 2-5-5(c) may not replace the candidate.
- e) If a candidate is disqualified under subsection 2-5-5(c) the election official:
  - 1) shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or
  - 2) 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
  - 3) may not count any votes for that candidate.
- f) An election official may fulfill the requirement described in subsection (e) in relation to an absentee voter, including a military or overseas absentee voter, by including with the absentee ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.
- g) A candidate is not disqualified if:
  - 1) the candidate files the financial disclosure reports described in section 2-5-3, and 2-5-4 no later than 24 hours after the applicable deadlines for filing the reports;
  - 2) the reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and
  - 3) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

- h) A report is considered timely filed if:
  - 1) the report is received in the county clerk's office no later than midnight, Mountain Time, at the end of the day on which the report is due;
  - 2) the report is received in the county clerk's office with a United States Postal Service postmark three days or more before the date that the report was due; or
  - 3) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.
- i) If the county clerk's office is not open until midnight at the end of the day on which a report is due, the county clerk shall permit a candidate to file the report via email or another electronic means designated by the county clerk.

Part II:

Insert pages reflecting the above amendments, including a title page which bears the enactment date of this ordinance, are hereby ordered to be filed in the copy of the Utah County Code which is on file with the Utah County Clerk/Auditor.

Part III:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

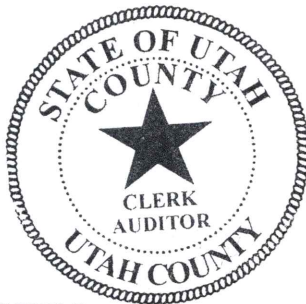
Part IV:

The codifier of the Utah County Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance.

Part V:

This ordinance shall become effective (15) days after its passage, and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

APPROVED and ADOPTED this 23rd day of February, 2022.



ATTEST:  
JOSH A. DANIELS  
County Clerk/Auditor

By: [Signature]  
Deputy Clerk/Auditor

BOARD OF COUNTY COMMISSIONERS,  
UTAH COUNTY, UTAH

By: [Signature]  
Thomas V. Saklevich, Chair

APPROVED AS TO FORM AND LEGALITY:  
DAVID O. LEAVITT  
Utah County Attorney

By: [Signature]  
Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS,  
UTAH COUNTY, UTAH

	VOTE	
	YEA	NAY
THOMAS V. SAKIEVICH, CHAIR	<u>  X  </u>	<u>      </u>
AMELIA POWERS GARDNER, COMMISSIONER	<u>  X  </u>	<u>      </u>
WILLIAM C. LEE, COMMISSIONER	<u>  X  </u>	<u>      </u>

[Date of Publication: Once only, as soon as possible.]