



## **2023 Candidate Information Packet**

If you have any questions regarding the documents contained in this packet please contact:

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City Recorder/Election Official  
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[michelle.kellogg@parkcity.org](mailto:michelle.kellogg@parkcity.org)

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\*\* If you have questions regarding elections please contact Michelle or Margaret. If you would like to schedule time with a department manager or for time with Matt please contact Marissa Marleau at [marissa.marleau@parkcity.org](mailto:marissa.marleau@parkcity.org)

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## 2023 MUNICIPAL ELECTION INFORMATION Park City Municipal Corporation

### **Elected Officials – OPEN SEATS:**

Council - 3 Seats

### **ELECTION DATES:**

A General Municipal Election will be held November 7, 2023, for the offices three City Council seats.

Pursuant to State Law, if more than twice the number of candidates file than are to be elected, a Municipal Primary Election must be held on August 15, 2023 (*Utah State Code Section 20A-9-404*).

- In the event 7 or more candidates file for the City Council seats, the top 6 vote getters will continue to the November General Municipal Election ballot.

### **HOW TO BECOME A CANDIDATE:**

Each person seeking to become a candidate for a municipal office must file a Declaration of Candidacy *in person* with the Election Official, Michelle Kellogg, between June 1, 2023, and June 7, 2023, during regular office hours, 8:00 a.m. to 5:00 p.m., in the Executive Office of the Marsac Building, 445 Marsac Avenue, Park City, Utah (*Utah State Code Section 20A-9-203*). A filing fee will be assessed at the time of declaration of candidacy as follows:

- Candidates for Council will pay a \$100 filing fee.
- The filing fee will be waived if candidates bring 100 signatures of registered Park City voters at the time of filing on a nomination petition form provided by the City Recorder. Candidates with fewer than 100 valid signatures will not be allowed to participate in the election.

### **Candidate Qualifications:**

- 1) Candidates must be a United States citizen at time of filing for candidacy.
- 2) Candidates must be at least 18 years of age at the time of the next municipal election.
- 3) Candidates must be a legal resident of the municipality, or a resident of the recent annexed area, for 12 consecutive months immediately preceding the date of the election.
- 4) Candidates must be a registered voter of the municipality.
- 5) Pursuant to Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to vote or hold elective office is restored as provided by statute.

Candidates can declare candidacy with formal names such as Jr., Sr., III, but cannot put any titles on declaration such as Dr., Esq., Ph D., etc. The name written on the declaration will be the name printed on the ballot, and if elected, on name plates and council correspondence.

**REGISTERED VOTERS:**

There are approximately 6,410 voters and 5,541 active voters in the City limits.

**VOTE BY MAIL:**

The Primary and General Elections will be entirely by mail. Ballots will be mailed on or before July 25<sup>th</sup> for the Primary and October 17<sup>th</sup> for the General Election. There will be drop boxes set up at City Hall and The Market at Snow Creek Plaza, and ballots can be deposited before or on Election Day. If voters mail their ballots, the ballots need to be postmarked on or before August 14<sup>th</sup> and November 7<sup>th</sup> respectively, in order to be counted.

There will be a voter information center at the City Offices on Election Day. Those who have lost their ballots or did not receive their ballots may come in to vote on another ballot.

There will not be voting machines. All votes will be cast on paper and deposited into the drop boxes or mailed, and they'll be processed at the Summit County Clerk's Office. If two ballots from the same voter are received, only the first ballot that was scanned will count, the other ballot will be rejected.

**MISCELLANEOUS INFORMATION:**

**Candidate Withdrawal.** Any person who filed a declaration of candidacy, and any person who was nominated, may withdraw by filing a written affidavit with the City Recorder. *UCA 20A-9-203(13)*

**Master Ballot Position List**

1 Q	8 D	15 W	22 V
2 P	9 T	16 R	23 Z
3 N	10 O	17 F	24 B
4 U	11 H	18 G	25 S
5 Y	12 K	19 C	26 J
6 M	13 I	20 X	
7 E	14 L	21 A	

**Campaign Finance Disclosures**

Candidates are required to fill out Campaign Finance Disclosure forms and these will be posted on the City website. All monetary donations and all expenditures used in the campaign need to be recorded on the disclosure form. Candidates are not allowed to

accept/keep anonymous donations. If an anonymous donation is received and the donor cannot be located, it will need to be donated to the City, County or a charitable organization.

### **Campaign Signs**

The City does not grant permission to candidates to post campaign signs or handbills on any City or public property or in any City or public right-of-way, including park strips.

**Size.** Campaign signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.

**Height Limit.** The maximum height of a campaign sign is six feet (6') above finished grade.

**Setback and Orientation.** Campaign signs are permitted in any zone, provided that they are located a minimum of ten feet (10') back from the edge of the curb, I will be distributing more info on signs in the candidate handbook.

**City Council Meetings and Board Assignments.** Being a Council member requires a very substantial time commitment. City Council meets on scheduled Thursdays. Work sessions are usually held in the afternoon before the regular meeting and usually begin at 2:00 p.m. Regular meetings follow the work sessions after a brief break and begin at 5:30 p.m. Both work sessions and regular meetings are held in the City Council Chambers, located on the lower level of the Marsac Building, 445 Marsac Avenue, Park City Utah.

A meeting packet is prepared containing the agenda, reports and documents relative to each agenda item. The City Council meeting packet is available for review on the City's [website](#).

Council members are assigned to be liaisons or co-liaisons for 5-10 boards/organizations and alternate liaisons for 5-7 other boards/organizations.

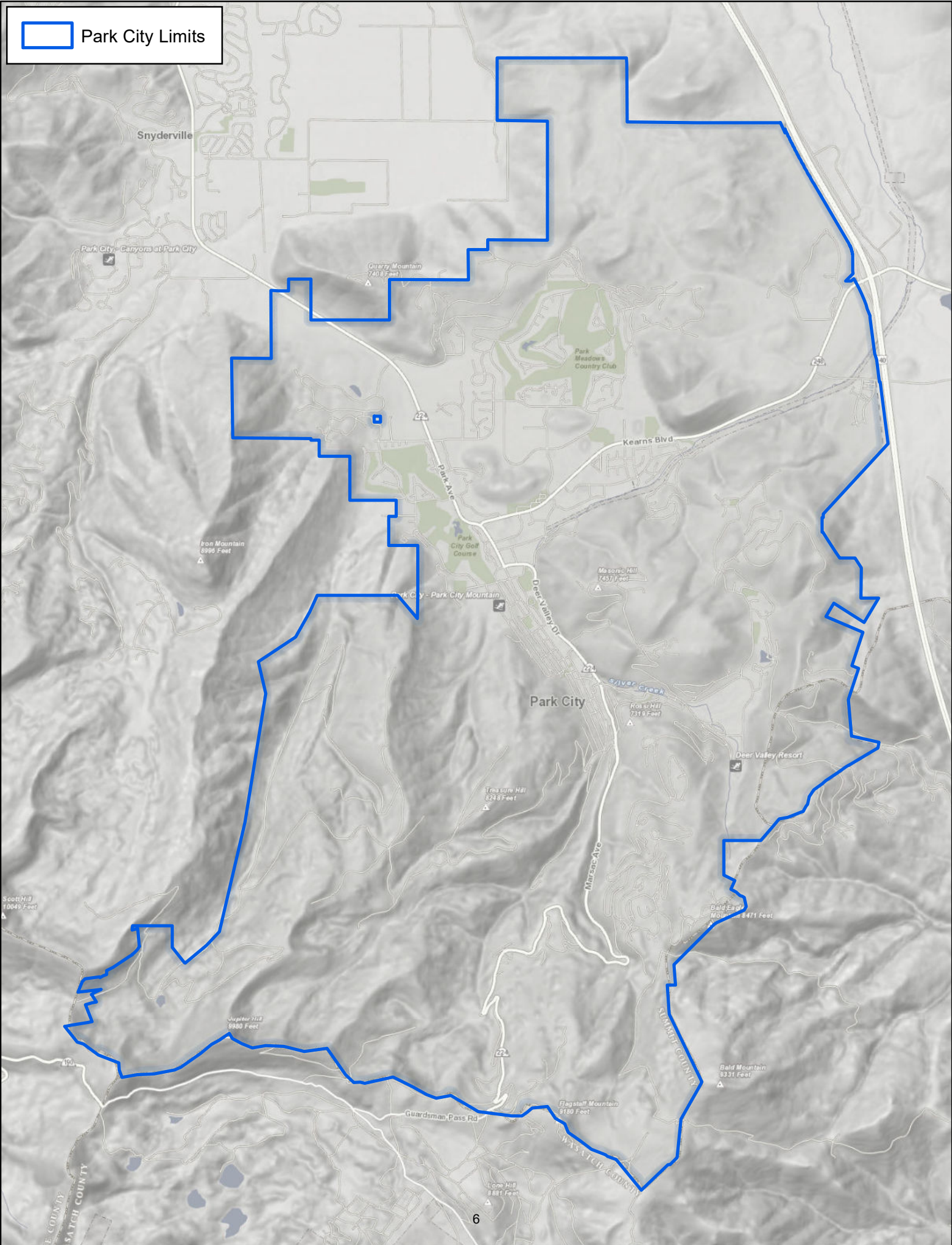
**PLEASE BEGIN COMING TO COUNCIL MEETINGS** to become familiar with the issues the City is currently deliberating.

### **Annual Council Compensation**

Wages	\$25,856.00
Health Benefits (or cash in-lieu)	<u>\$22,600.00</u>
<b>Total:</b>	<b>\$48,456.00</b>

The Mayor and Council each receive family medical insurance, which can be received as cash in-lieu of insurance coverage. They do not receive retirement contributions.

Park City Limits







# 2023 MUNICIPAL ELECTION CALENDAR

Election Official Michelle Kellogg, (435) 615-5007

## CANDIDATE FILING DATES:

Thursday, June 1 through Wednesday, June 7, 2023

8:00 a.m. to 5:00 p.m.

Executive Office, Marsac City Hall

### MUNICIPAL PRIMARY ELECTION (If Needed)

**Ballots Mailed:** Tuesday, July 25, 2023

**Primary Election Day:** Tuesday, August 15, 2023

### MUNICIPAL GENERAL ELECTION

**Ballots Mailed:** Tuesday, October 17, 2023

**General Election Day:** Tuesday, November 7, 2023

### VOTE BY MAIL

The Primary and General Election will be entirely by mail. Ballots will be mailed on or before July 25<sup>th</sup> for the Primary and October 17<sup>th</sup> for the General Election. There will be drop boxes set up at City Hall and The Market at Snow Creek Plaza, and ballots can be deposited before or on Election Day. If voters mail their ballots, the ballots need to be postmarked on or before August 14<sup>th</sup> and November 7<sup>th</sup> respectively, in order to be counted.

There will be a voter information center at the City Offices on Election Day. Those who have lost their ballots or did not receive their ballots may come in to vote on another ballot.

There will not be voting machines. All votes will be cast on paper and deposited into the drop boxes or mailed, and they'll be processed at the Summit County Clerk's Office. If two ballots from the same voter are received, only the first ballot that was scanned will count, the other ballot will be rejected.

### VOTER REGISTRATION DEADLINES:

Primary Election

Friday, August 4, 2023

General Election

Friday, October 27, 2023

**Eligible voters may register and vote on Election Day at the City Offices for both the Primary and General Elections**

### CAMPAIGN FINANCE DISCLOSURE FILING DEADLINES

- Campaign Finance Statement (All Primary Election Candidates)
  - Deadline 5:00 p.m., Tuesday, August 8, 2023
- Final Campaign Finance Statement (Unsuccessful Candidates in Primary)
  - Deadline 5:00 p.m., Thursday, September 14, 2023
- Campaign Finance Statements (General Election Candidates)
  - Deadline 5:00 p.m., Tuesday, October 10, 2023
  - Deadline 5:00 p.m., Tuesday, October 31, 2023
- Final Campaign Finance Statement (General Election Candidates)
  - Deadline 5:00 p.m., Thursday, December 7, 2023

Per state law, all candidate campaign finance statements will be posted on the City's website [www.parkcity.org](http://www.parkcity.org) under Government/Election Information and provided to the Lt. Governor's Office.



## **CAMPAIGN SIGN/ELECTIONEERING REGULATIONS AND GUIDELINES** **Park City Municipal Code Title 12 and Utah State Code Regulations**

### **1. Posting on City or Public Property and/or within City or Public Right-of-Way.**

The City does not grant permission to Candidates to post campaign signs or handbills on any City or public property or in any City or public right-of-way.

Posters, fliers, or signs may not be tacked up to the exterior of any building or to telephone/utility poles. Posters or fliers may not be tacked upon to the exterior of any building nor upon any sidewalk, crosswalk, curb, curbstone, street light post, hydrant, tree, shrub, parking meter, garbage can or dumpster, automobile, electric light, power or telephone wire pole, or wire appurtenance thereof, fire alarm or hydrant, street furniture, park benches or landscaping, any lighting system, public bridge, drinking fountain, statue, life saving equipment, street sign or traffic sign or on door steps.

Posters or signs may not be posted within the public right-of-way next to public streets or corners.

Handbills or signs found posted upon any public property contrary to the provisions of this section, may be removed by the Police Department, Public Works Department, Recreation Department, Code Enforcement, or any other City staff.

### **2. Park City Municipal Code Title 12 – in part.**

#### **A. Definition**

**SIGN, CAMPAIGN.** A Temporary Sign on or off-premises, announcing, promoting, or drawing attention to a candidate seeking public office in a forthcoming election; or signs announcing political issues, for or against. *Park City Municipal Code Section 12-2-1(U)(43)*

#### **B. Signs Exempt from Permit Requirement**

Campaign signs are exempt from obtaining permits as long as the sign is in compliance with the regulations as stated in Section 12-10-2(H). *Municipal Code Section 12-8-1(L)*.

#### **C. Sign Regulations**

Campaign signs do not require a Sign permit, as issued by the Planning Department, but shall comply with the following regulations:

➤ **SIZE.** Campaign signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.



➤ **HEIGHT LIMIT.** The maximum height of a campaign sign is six feet (6') above finished grade.

➤ **SETBACK AND ORIENTATION.** Campaign signs are permitted in any zone, provided that they are located a minimum of ten feet (10') back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this ten-foot (10') distance would be within a structure, the sign may be within three feet (3') of the front of the structure. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-9-2 (L), which states fliers or posters may be displayed on the inside of windows of businesses, provided all window signs do not exceed thirty percent (30%) of window area and the owner of the business approves of the placement.

➤ **ZONING RESTRICTIONS.** Campaign signs are allowed in all zoning districts.

➤ **ILLUMINATION.** Illumination of campaign signs is prohibited.

*Municipal Code Section 12-10-2(H)*

**3. Utah State Code Regulations.** Applies to General Municipal Elections, Primary Municipal Elections, and Early Voting Polling locations.

UCA 20A-3-501. Polling place – Prohibited activities.

(1) As used in this section:

(a) "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue; and

(b) "polling place" means the physical place where ballots are cast and includes the physical place where a ballot drop box is located.

(2) (a) An individual may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:

(i) do any electioneering;

(ii) circulate cards or handbills of any kind;

(iii) solicit signatures to any kind of petition; or

(iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.

(b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.

(3) (a) An individual may not obstruct the doors or entries to a building in which a

polling place is located or prevent free access to and from any polling place.

(b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest an individual creating an obstruction.

(4) An individual may not solicit any voter to show the voter's ballot.

(5) (a) An individual may not knowingly possess or control another individual's voted manual ballot, unless:

- (i) the individual is an election official or postal worker acting in the capacity of an election official or postal worker;
- (ii) the individual possesses or controls the voted ballot in accordance with Section 20A-3a-301, relating to emergency ballots;
- (iii) the possession or control is authorized in order to deliver a military-overseas ballot in accordance with Chapter 16, Uniform Military and Overseas Voters Act;
- (iv) subject to Section 20A-3a-208, the individual is authorized by a voter to possess or control the voter's voted ballot if the voter needs assistance delivering the ballot due to the voter's age, illness, or disability; or
- (v) the individual resides in the same household as the voter.

(b) A violation of Subsection (5)(a) does not invalidate the ballot.

(6) An individual who violates any provision of this section is, in addition to the penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.

(7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

#### **4. General Guidelines**

- Permission to post a campaign sign on private property must be obtained from the property owner before posting. A property owner may remove a campaign sign from their property at any time.
- It is recommended that there be no more than three (3) campaign signs per candidate posted at one location.
- It is respectfully requested candidates remove their campaign signs within a few days following a municipal election, with the exception successful Primary election candidates may leave their signs up until after the November general municipal election. Signs can be expensive and candidates may wish to store them for use in a future election, or donate them to other candidates.



## CAMPAIGN FINANCIAL DISCLOSURE STATEMENTS

Immediately following a candidate's decision to run for public office, all campaign contributions and expenditures must be disclosed in sworn campaign contribution and expenditure finance statements. A campaign bank account should be opened so that campaign funds do not mingle with personal funds. Campaign finance statements must be prepared and filed at certain times during the election period as explained below.

Immediately following the disclosure filing deadline, media representatives normally request copies of all campaign finance statements and may report findings in the local newspaper and radio. The statements are public records and any interested person is allowed to review and obtain copies. State law requires all statements to be posted on the City's website or provided to the Lt. Governor's office.

No anonymous donations can be accepted by candidates. If this type of donation is received and the donor cannot be located, the money must be given to the City, County, or a 501(c)(3) charity of the candidate's choice. Campaign funds cannot be used to pay family members working on the campaign or for personal use. Campaign funds can be used for the candidate's childcare costs while campaigning or performing office duties. All donations, whether monetary or in-kind, and all expenses must be itemized on the disclosure form.

**WHERE TO FILE STATEMENTS:** Please hand deliver, mail, or email the statement so that it will be received **prior** to the deadline, to the attention of the Election Official, Michelle Kellogg, City Recorder, 445 Marsac Ave., Park City UT 84060; (435) 615-5007, [michelle.kellogg@parkcity.org](mailto:michelle.kellogg@parkcity.org) .

### **STATEMENT DEADLINES:**

#### **All Primary Election Candidates**

If there is a Primary Election on August 15, 2023, all candidates shall file a **sworn campaign finance statement** with the Election Official one week prior to the election. **Filing Deadline: 5:00 p.m., Tuesday, August 8, 2023**

#### **Candidates **Eliminated** In Primary Election – Final Statement**

If there is a Primary Election on August 15, 2023, a **Final sworn campaign finance statement** is due thirty (30) calendar days following the Primary election. **Filing Deadline: 5:00 p.m., Thursday, September 14, 2023**

#### **All General Municipal Election Candidates**

A **sworn campaign finance statement** is due at least twenty-eight (28) calendar days before the General Municipal Election on November 7, 2023. **Filing Deadline: 5:00 p.m., Tuesday, October 10, 2023**

A **sworn campaign finance statement** is due at least seven (7) calendar days before the

General Municipal Election on November 7, 2023. **Filing Deadline: 5:00 p.m., Tuesday, October 31, 2023**

All General Municipal Election Candidates – Final Statement

A **final sworn campaign finance statement** is due thirty (30) calendar days following the General Election. **Filing Deadline: 5:00 p.m., Thursday, December 7, 2023**

**AMENDED STATEMENT:** In the event a candidate receives a monetary or non-monetary contribution or makes an expenditure after the candidate's final campaign statement has been submitted to the election officer, he or she must file an amended final sworn campaign statement with the election official within five (5) days of receipt of the contribution or expenditure.

**FAILURE TO FILE STATEMENT:** If a candidate fails to file an election campaign contribution and expenditure statement due before the municipal general election, the election officer shall:

- (a) If practicable, remove the name of the candidate 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
- (c) The Election Official may not count any votes for that candidate.

A candidate is not disqualified if:

- (a) the candidate files the reports required by this section; and
- (b) those reports are completed, detailing accurately and completely the information required by this section 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. *Municipal Code Section 3-3-7*

**DISPOSITION OF SURPLUS CAMPAIGN FUNDS:**

Surplus campaign funds held by the candidate or the candidate's committee must be disbursed at the end of the campaign. Disposition is normally accomplished by returning contributed monies or other tangible contributions to the contributor, or donating the contributions to a non-profit organization. The disposition of any surplus campaign funds must be reported in the Final Campaign Financial Disclosure Statement. *Municipal Code Section 3-3-6*

**STATEMENT FORMS:**

Blank campaign financial disclosure forms are provided in the candidate's packet for candidate use, however, a personally prepared statement form may be used as long as all the components required by Municipal Code Title 3, Chapter 3, are included. Please contact Michelle Kellogg (435) 615-5007 if you have any questions or need additional blank forms.

# CAMPAIGN FINANCIAL REPORT

Utah Code 10-3-208

Full Name of Candidate: \_\_\_\_\_

Office Filed For: \_\_\_\_\_

This report may be submitted in person or electronically at michelle.kellogg@parkcity.org

- |   |          |
|---|----------|
| 1. Total amount from donors giving more than \$50.00<br><i>(Form "A" total from other side)</i> | \$ _____ |
| 2. Total amount from donors totaling \$50.00 or less  | \$ _____ |
| 3. Total campaign expenditures<br><i>(Form "B" total from other side)</i>                       | \$ _____ |
| 4. Campaign Balance   | \$ _____ |

I understand that this document is an official government record to be filed with the Park City Recorder. As such I hereby certify under oath, that the foregoing information is true and correct. I further understand that including any false or forged information or documents or making any written false or inconsistent statement will subject me to criminal penalties under Title 76, Chapter 8 of the Utah Code.

\_\_\_\_\_  
Candidate Signature

\_\_\_\_\_  
Date

**ITEMIZED CONTRIBUTION REPORT (Form "A")**

Date Received	Name of Contributor	Mailing Address & Zip Code	Amount of Contribution

**ITEMIZED EXPENDITURE REPORT (Form "B")**

Date of Expenditure	Person or Organization to Whom Expenditure was made	Purpose of Expenditure	Amount of Expenditure





# CANDIDACY WITHDRAWAL AFFIDAVIT

UTAH CODE SECTION 20A-9-203(11)

Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may withdraw the nomination by filing a written affidavit with the municipal clerk.

State of Utah )  
 ) ss.  
County of Summit )

I, \_\_\_\_\_, being first duly sworn, depose and state:

I reside at \_\_\_\_\_ in the City of Park City, in

Summit County, State of Utah, Zip Code \_\_\_\_\_.

Phone Number: \_\_\_\_\_ E-Mail Address \_\_\_\_\_

Having filed a Declaration of Candidacy for the office of \_\_\_\_\_,

I hereby withdraw as a candidate for this office.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Subscribed and sworn (of affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
*Clerk, Recorder or Notary Public*

For Office Use:  
Date Received and Accepted by the Election Official of Park City: \_\_\_\_\_



Links to Important Documents on the City Website:

**General Plan:** <https://www.parkcity.org/departments/planning/general-plan>

**2023 Budget Guide:**

<https://www.parkcity.org/home/showpublisheddocument/73013/638066951093300000>

**Budget:** <https://www.parkcity.org/departments/budget-debt-grants>

**Park City Vision 2020:** <https://www.parkcity.org/departments/community-engagement/community-visioning/park-city-vision-2020>

# Open and Public Meetings Act

A Summary of Key Provisions for Legislators | May 2018



*The Open and Public Meetings Act (OPMA) requires that members of a public body be "provided with annual training on the requirements of [the Open and Public Meetings Act]" (Section [52-4-104](#)). This document is intended to facilitate compliance with that requirement and to help legislators understand OPMA. This summary is intended for a state legislative audience and does not attempt to explain or address requirements for other public bodies. Key terms are defined at the end of the document.*

OPMA's stated goal is to ensure that the state, its agencies, and its political subdivisions deliberate and take action openly ([Section 52-4-102](#)).

## Public Notice ([Section 52-4-202](#))

A public body is required to provide public notice of a meeting at least 24 hours before the meeting. The public notice is required to:

- specify the date, time, and place of the meeting;
- include an agenda that specifies topics the public body will consider;
- be posted on the Utah Public Notice Website and at the location of the meeting; and
- be provided to a newspaper or local media correspondent.

A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.

## Minutes and Recordings ([Section 52-4-203](#))

- A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.
- A recording of the open portions of the meeting must be posted on the Utah Public Notice Website within three business days after the public meeting.
- Draft minutes are required to be made available to the public within 30 days after the meeting.
- The approved minutes and any public materials distributed at the meeting must, within three business days after their approval, be:
  - posted on the Utah Public Notice Website; and
  - made available at the public body's office.

## 2018 Amendments to OPMA

### Substantive Changes to OPMA:

- A unit of the executive branch of state government and a political subdivision are now required to provide the required annual OPMA training online in a web-based format under certain circumstances ([H.B. 179](#)).
- A public body may reclassify a record of a closed meeting in accordance with the Government Records Access and Management Act ([S.B. 137](#)).

### Now Exempt from OPMA:

- A convening of a three-member board of trustees of a large public transit district if the members do not take a tentative or final vote or only discuss day-to-day management and operation of the public transit district ([S.B. 136](#)).
- A routine conversation between members of a board of trustees of a large public transit district if no tentative or final vote is taken ([S.B. 136](#)).
- A meeting of certain subcommittees of the Legislative Management Committee when meeting to select or evaluate a candidate for employment, except when voting to recommend a candidate for employment ([S.B. 238](#)).
- A taxed interlocal entity ([S.B. 178](#)).

## Closed Meetings ([Sections 52-4-204 and 52-4-205](#))

A public body may hold a closed meeting only for certain reasons, including to discuss:

- a person's character, competence, or health;
- pending or imminent litigation;
- certain matters regarding acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- an investigation of alleged criminal conduct;

- the receipt or review of an ethics complaint, if the public body is the Independent Legislative Ethics Commission;
- certain matters under the jurisdiction of a legislative ethics committee; and
- certain deliberations and decision making involved in the procurement process.

A public body may close a meeting only by a two-thirds vote with a quorum present, except that a majority vote is sufficient for closing a meeting of:

- the Health and Human Services Interim Committee to review a fatality review report;
- the Child Welfare Legislative Oversight Panel to review a fatality review report or review and discuss an individual case; or
- an ethics committee of the Legislature to receive legal advice or deliberate on a complaint.

No vote is required to close a meeting of the Independent Legislative Ethics Commission to review an ethics complaint if the publicly distributed agenda for the meeting states that the meeting will be closed.

A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

## Definitions *(Section 52-4-103)*

**Meeting** means a convening of a public body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body has jurisdiction or advisory power.

Meeting does not mean a chance or social gathering or a convening of a public body that has both legislative and executive responsibilities in certain circumstances.

**Public Body** means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

## Emergency Meetings *(Section 52-4-202)*

A public body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require the public body to consider matters of an emergency or urgent nature. However, a public body may not hold an emergency meeting unless it attempts to notify all members of the public body and a majority of its members approve the meeting.

## Electronic Meetings *(Sections 52-4-207 and IR3-1-105)*

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings. The Legislature's rule governing electronic legislative meetings states that a committee member may remotely participate in a public meeting if:

- the member will be more than 50 miles away from the meeting location;
- the member requests permission of the chair to participate from a remote location; and
- the chair obtains permission from the speaker of the House of Representatives and president of the Senate to conduct an electronic meeting.

## Penalties *(Sections 52-4-302 and 52-4-305)*

**Open Meetings** - Any final action taken in a meeting that is in violation of certain open-meeting provisions of OPMA is voidable by a court.

**Closed Meetings** - It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of OPMA.

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue; and
- is vested with the authority to make decisions regarding the public's business.

Public body does not include a political party, political group, or political caucus, or a conference committee, rules committee, or sifting committee of the Legislature.

**Park City Municipal Code**  
(as of May 31, 2019)

**Title 3 Ethics**

3-1 Code Of Ethics For Officials And Employees; Responsibility Of Public Officials

3-2 Disclosure; Conflicts Of Financial Interest

3-3 Campaign Disclosure

3-4 Written Advisory Opinions

3-5 Enforcement; Penalties

**3-1 Code Of Ethics For Officials And Employees; Responsibility Of Public Officials**

3-1-1 Declaration Of Policy

3-1-2 Fair And Equal Treatment

3-1-3 Agents Of Public Purpose

3-1-4 Gifts; Use Of Office For Personal Benefit Prohibited

3-1-5 Use Of Public Property

3-1-6 Ex Parte Communications

3-1-7 City Allegiance And Proper Conduct

3-1-8 Avoidance Of Impressions Of Corruptibility

3-1-9 Political Activity Of Municipal Officer Or Employee

3-1-10 Later Case Interest; Future Employment

**3-1-1 Declaration Of Policy**

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all City officials and employees, whether elected or appointed, paid or unpaid.

The purpose of this Chapter is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City and by directing the disclosure by such officials and employees of private financial or other interests in matters affecting the City.

The provisions of this Chapter and such rules and regulations as may be established are hereby declared to be in the best interest of the City and for the protection of the public health, safety and welfare of its citizens.

**HISTORY**

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-1-2 Fair And Equal Treatment**

1. **INTEREST IN APPOINTMENTS**. The canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to municipal service, shall disqualify the candidate for appointment except with reference to positions filled by appointment by the City Council or the Mayor with the consultation of the City Council.
2. **DISCRIMINATION IN APPOINTMENTS**. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
3. **OBLIGATIONS TO CITIZENS**. No City officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-1-3 Agents Of Public Purpose**

City officers and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold and impartially carry out federal, state and City laws. They are bound to observe, in their official acts, the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations. Recognizing that the public interests must be their primary concern, their conduct in both their official and private affairs should be above reproach.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-1-4 Gifts; Use Of Office For Personal Benefit Prohibited**

1. No City officer or employee shall knowingly accept any economic benefit tantamount to a gift which creates a conflict of financial interest and is given by any person, firm or corporation which to his or her knowledge it interested, directly or indirectly, in any manner whatsoever in business dealings with the City. No City officer or employee shall accept any economic benefit tantamount to a gift regardless of amount, retainer or compensation that is contingent upon a specific action by the City Council, a City commission, board or committee, or a City agency.
2. No City employee who has procurement decision making authority and is engaged in the procurement process, or the process of administering a contract, or his or her family members, may knowingly receive anything of value including, but not limited to gifts, meals, lodging, or travel from anyone who is seeking or



has a contract with the City. "Anything of value" excludes hospitality gifts valued at less than \$10, and is not over \$50 annually from the same individual.

3. As used in this section, an "economic benefit tantamount to a gift" includes:
  1. A loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and
  2. Compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.
4. It is an offense for an elected or appointed officer or City employee to:
  1. disclose or improperly use private, controlled, or protected information acquired by reason of his or her official position or in the course of official duties in order to substantially further the officer's or employee's personal economic interest or to secure special privileges or exemptions for himself or others;
  2. use or attempt to use his or her official position to:
    1. substantially further the officer's or employee's personal economic interest; or
    2. secure special privileges for himself or herself or others; or
  3. knowingly receive, accept, take, seek, or solicit, directly or indirectly, for himself or another a bribe, gift of substantial value, or a substantial economic benefit tantamount to a gift that:
    1. would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
    2. the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
5. **EXCEPTIONS.** Subsection (D)(3) does not apply to:
  1. an occasional nonpecuniary or hospitality gift having a value of less than \$10, and is not over \$50 total annually from the same individual;
  2. an award publicly presented in recognition of services;
  3. any bonafide loan made in the ordinary course of business;
  4. a political campaign contribution; or
  5. any gift which would have been offered or given to a person if he or she were not a City officer or employee.

#### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

*Amended by Ord. 2018-28 on 6/26/2018*

### **3-1-5 Use Of Public Property**

No City officer or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official City business.

#### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

### **3-1-6 Ex Parte Communications**

1. No City officer or employee who has the power to act on a pending quasi-judicial matter shall encourage, make or accept any ex parte or other unilateral application or communication that includes the interests of other parties in a quasi-judicial matter under consideration when such application or communication is designed to influence the official decision or conduct of the officer or other officers, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of him or herself or others. The purpose of this provision is to guarantee that all interested parties to any quasi-judicial matter shall have equal opportunity to express and represent their interests.
2. Any written ex parte communication received by an official or employee in matters where all interested parties should have an equal opportunity for a hearing shall be made a part of the record by the recipient.
3. Any oral ex parte communication received under such conditions should be written down in substance by the recipient and also be made a part of the record.
4. A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

#### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

### **3-1-7 City Allegiance And Proper Conduct**

1. **INCOMPATIBLE EMPLOYMENT**. No City officer or employee shall engage in or accept any private employment, or render services for private interest, when such employment or service is incompatible with proper discharge of his or her official duties or would tend to impair his or her independence or judgment or action in the performance of those duties unless otherwise permitted by law.
2. **REPRESENTING PRIVATE INTEREST BEFORE THE CITY AGENCIES**. No City officer or employee shall appear on behalf of any private person, other than himself, his spouse or minor children before any City agency. However, a member of the City Council may appear before City agencies on behalf of his

constituent in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-1-8 Avoidance Of Impressions Of Corruptibility**

City officer and employees, whether appointed or elected, full time or part time, paid or unpaid, should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such officer or employee can be improperly influenced in the performance of his or her public duties. Such officers or employees should so conduct themselves as to maintain public confidence in their performance of the public trust in the government they represent. All City officials and employees should avoid even the appearance of conflict between their public duties and private interests.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-1-9 Political Activity Of Municipal Officer Or Employee**

1. For purposes of this section, "hours of employment" means occurring at a time when a City officer or employee is acting within the course and scope of employment, but excludes a lunch break afforded to the officer or employee.
2. Except as otherwise provided by federal law:
  1. the partisan political activity, political opinion, or political affiliation of an applicant for a position with a municipality may not provide a basis for denying employment to the applicant;
  2. a City officer or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, or dismissal;
  3. A City officer or employee may not engage in political campaigning or solicit political contributions during hours of employment;
  4. A City officer or employee may not use City equipment while engaged in political activity;
  5. A City officer or employee may not directly or indirectly coerce, command, or advise another City officer or employee to pay, lend, or contribute part of the officer or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes; and
  6. A City officer or employee may not attempt to make another officer or employee's personnel status dependent on the officer or employee's

- support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
3. A City employee who has filed a declaration of candidacy may:
    1. be given a leave of absence for the period between the primary election and the general election; and
    2. use any vacation or other leave available to engage in campaign activities.
  4. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
  5. Nothing in this Chapter may be construed to:
    1. prohibit a City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
    2. permit a City officer or employee partisan political activity that is prohibited under federal law.
  6. No officer or employee shall orally, by letter or otherwise solicit or participate in soliciting any assessment, subscription or contribution to any political party during working hours on the premises of any governmental property owned by the City.
  7. No officer or employee, whether elected or appointed, shall promise any appointment to any position with the City as a reward for any political activity.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-1-10 Later Case Interest; Future Employment**

It is improper for any former City officer or employee, after the termination of service or employment with the City, to appear as a compensated representative before the City Council, or any of its agencies, in connection with any case or matter in which such former officer or employee was duly connected or personally participated in a policy-making capacity or managerial capacity while an officer or employee of the City during the period of his service or employment, or which was under his active consideration.

Such former officer or employee may be released from the obligation imposed by the provisions of this section upon the submission of a written request to the Council in advance of his or her proposed appearance and a certification that, while an officer or employee of the City, took no action or obtained no information which would prejudice his or her conduct or presentation, either at the time he or she was an officer or employee, or at the time of the presentation.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

## **3-2 Disclosure; Conflicts Of Financial Interest**

### 3-2-1 Purpose

### 3-2-2 Conflict Of Interest Code

### 3-2-3 Definitions

### 3-2-4 Conflict Of Interest Disclosure In Legislative Action

### 3-2-5 Preacquisition Of Interest; Interest In Contract Or Transaction

### 3-2-6 Disclosure Of Information

### 3-2-7 Public Contracts

### 3-2-8 Exceptions To Chapter

### 3-2-9 Compensation For Assistance In Transaction Involving City - Public Disclosure And Filing Required

### 3-2-10 Interest In Business Entity Regulated By Municipality - Disclosure Statement

### 3-2-11 Complaints Charging Violations - Procedure

## **3-2-1 Purpose**

The purpose of this Chapter is to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

## **3-2-2 Conflict Of Interest Code**

With regard to conflicts of financial interests, this Chapter shall be deemed the 'Conflicts of Interest Code' of Park City Municipal Corporation.

### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

## **3-2-3 Definitions**

1. **APPOINTED OFFICER.** Any person appointed to any statutory office or position or any other person appointed to any position of employment with the City. Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word 'officer' in this part is not intended to make appointed persons or employees 'officers' of the City.
2. **ASSIST.** Means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

3. **BUSINESS ENTITY.** A sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
4. **CITY EMPLOYEE.** A person who is not an elected or appointed officer who is employed on a full or part-time basis by the City.
5. **CITY OFFICER.** Any appointed or elected officer. Shall include the Mayor, City Council, all Mayor-appointed City officials and the members of City agencies, boards, committees, and commissions.
6. **COMPENSATION.** Anything of economic value, however, designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property or any other thing whatsoever.
7. **ELECTED OFFICER.** Any person elected or appointed to the office of Mayor or City Council.
8. **IMPROPER DISCLOSURE.** Disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.
9. **INTEREST.** Direct or indirect pecuniary or material benefit accruing to a City officer or employee as a result of an official act or action by or with the City, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this Chapter, an appointed or elected officer or City employee shall be deemed to have an interest in the affairs of:
  1. any person related to him by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity, determined by the civil law method, and a divorce or separation between spouses shall not be deemed to terminate any such relationship;
  2. any person or business entity with whom a contractual relationship exists with the elected or appointed officer, or City employee;
  3. any business entity in which the appointed or elected officer or City employee is an officer, director, or member having a financial interest in, or employed by;
  4. any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the City officer or employee.
10. **MUNICIPAL BODY.** Any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.
11. **OFFICIAL ACT OR ACTION.** Any specific decision or action on a question, matter, cause, suit, proceeding or controversy, whether it be a legislative, administrative, appointive or discretionary act or decision that is pending or may



by law be brought before any City officer or employee of the City or any agency, board, committee or commission thereof.

12. **POLITICAL PURPOSE.** An act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the election of a candidate or the disposition of any issue on the ballot at a municipal election.
13. **PRIVATE, CONTROLLED, OR PROTECTED INFORMATION.** Information classified as private, controlled, or protected under Utah State Code Title 62G, Chapter 2, Government Records Access and Management Act, as amended, or other applicable provision of law.
14. **SUBSTANTIAL INTEREST.** Ownership, either legally or equitably, by an individual, his or her spouse, or his or her minor children, of at least ten percent (10%) of the outstanding shares of a corporation or ten percent (10%) interest in any other business entity.

#### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

*Amended by Ord. 2018-28 on 6/26/2018*

### **3-2-4 Conflict Of Interest Disclosure In Legislative Action**

1. Every City officer who is an officer, director, agent, or employee or the owner of a substantial interest or has any personal interest or investment in any business entity which does or anticipates doing business with the City, shall publicly disclose to the members of the body in which he or she is a member or by which he or she is employed immediately prior to any proposed action or discussion by such body concerning matters relating to such business entity, the nature of his or her interest in that business entity.
2. Any personal interest or investment by a City officer or employee which creates a conflict between the employee's or official's personal interests and his public duties shall be disclosed in open meeting to the members of the municipal body.
3. The disclosure statement shall be entered in the minutes of the meeting.

#### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

### **3-2-5 Preacquisition Of Interest; Interest In Contract Or Transaction**

No City officer or employee with respect to any contract or transaction which is or may be subject to an official act or action of the City shall acquire an interest in such contract or transaction at a time when the City officer or employee believes or has reason to believe that it will directly or indirectly be affected by an official act of the City.

Regardless of whether he or she abstained from participating in the City decision to award or enter into a contract, no elected or appointed City officer, or employee having

the power or duty to perform an official act or action, related to a contract or transaction, shall:

1. have or thereafter acquire an interest in such contract or transaction; or
2. have an interest in any business entity representing advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction; or
3. have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction;
4. have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract or transaction; or
5. have encouraged, made or accepted any ex parte or unilateral applications or communication where a determination is to be made after a public hearing and such public employee fails to make the contents of the communication a part of the record.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-2-6 Disclosure Of Information**

No City officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the City shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, or use such information to advance the financial or other interests of himself or others.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-2-7 Public Contracts**

No City officer or employee shall enter into any contract with the City or participate in the making of a contract in which he or she has a direct or indirect private pecuniary interest, if in his or her capacity as a City employee or officer:

1. he or she participated in the making of the contract; or
2. he or she performed in regard to that contract some function requiring the exercise of discretion on his or her part, unless:
  1. the contract is awarded through a process of public notice and competitive bidding; or
  2. the City Attorney determines that it is the best interest of the City to do so.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991  
Amended by Ord. 95-38 on 7/27/1995  
Amended by Ord. 01-26 on 7/12/2001  
Amended by Ord. 2018-28 on 6/26/2018*

**3-2-8 Exceptions To Chapter**

It shall not be deemed a violation of the standards of this Chapter if the interest of a City officer or employee, as a person or business entity, is:

1. a contractual obligation of less than five hundred dollars (\$500.00), which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under the obligation to make or incur; or
2. a commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans ; or
3. a contract for a commercial retail sale, even though over the value of five hundred dollars (\$500.00).

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991  
Amended by Ord. 95-38 on 7/27/1995  
Amended by Ord. 01-26 on 7/12/2001  
Amended by Ord. 2018-28 on 6/26/2018*

**3-2-9 Compensation For Assistance In Transaction Involving City - Public Disclosure And Filing Required**

Refer to Utah Code Section 10-3-1305, hereby incorporated.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991  
Amended by Ord. 95-38 on 7/27/1995  
Amended by Ord. 01-26 on 7/12/2001*

**3-2-10 Interest In Business Entity Regulated By Municipality - Disclosure Statement**

Refer to Utah Code Section 10-3-1306, hereby incorporated.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991  
Amended by Ord. 95-38 on 7/27/1995  
Amended by Ord. 01-26 on 7/12/2001*

**3-2-11 Complaints Charging Violations - Procedure**

1. Any complaint against a person who is under the merit system, charging that person with a violation of this Chapter, shall be filed and processed in accordance with the provisions of the merit system.
2. If the person charged with the violation is not under any merit system, then the complaint shall be filed with the Mayor or City Manager. The Mayor or City Manager shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the Mayor or City Manager shall be filed with the governing body. If the governing body finds that the person has violated this part, it may dismiss, suspend, or take such other appropriate action with respect to the person.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-3 Campaign Disclosure**

3-3-1 Purpose

3-3-2 Definitions

3-3-3 Separate Bank Account Required

3-3-4 Contributions To Candidates - Limitations

3-3-5 Campaign Contributions And Expenditures To Be Reported

3-3-6 Disbursement Of Surplus Campaign Funds

3-3-7 Failure To File Campaign Finance Statement

3-3-8 Notification By Election Official

3-3-9 Public Inspection

3-3-10 Civil Action

**3-3-1 Purpose**

It is the intent of this section to encourage candidates for the office of Mayor or Council member to follow the basic principles of decency, honesty, and fair play in order that there be fairly conducted campaigns and that the citizens of Park City may exercise their constitutional right to vote, free from dishonest and unethical practices.

Candidates are encouraged to conduct their campaigns openly and publicly, discussing the issues as they see them, presenting their record and policies with sincerity and frankness, and criticizing without fear or disfavor the record and policies of their opponents or political parties which merit such criticism.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-3-2 Definitions**

1. **CAMPAIGN STATEMENT**. Sworn election campaign contribution and expenditure statement prepared and executed by a candidate.

2. **CAMPAIGN COMMITTEE**. A committee of citizens formed to campaign for a specific candidate.
3. **CANDIDATE**. Any person who:
  1. files a declaration of candidacy for an elected office of the City; or
  2. received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or
  3. causes on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.
4. **CONTRIBUTION**.
  1. Any of the following when done for political purposes:
    1. A gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value, or on behalf of a candidate, or a candidate's election committee.
    2. An express, legally-enforceable contract, promise, or agreement to make a gift, subscription, donation, loan, advance, or deposit of money or anything of value to or on behalf of a candidate, or a candidate's election committee.
    3. Any transfer of funds from a political committee, a party committee, another candidate, an officeholder, or a campaign committee to a candidate, or a candidate's election committee.
    4. Compensation paid by any person or committee, other than the candidate, or the candidate's election committee, for personal services rendered for, but without charge to, the candidate or the candidate's election committee;
    5. Goods or services provided at less than fair market value to, or for the benefit of a candidate, or a candidate's election committee.
  2. For the purposes of this Chapter, contributions other than money or its equivalent shall be deemed to have a value equivalent to the fair market value of the contribution.
  3. 'Contribution' does not include:
    1. services provided without compensation by an individual or individuals volunteering their time on behalf of a candidate, or a candidate's election committee;
    2. money lent to a candidate or a candidate's election committee, at market rate, in the ordinary course of business.
5. **DISBURSEMENT**. Monies, transfers, or other withdrawals from a fund for any purpose.
6. **EXPENDITURE**.

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 by or on behalf of a candidate or a candidate's election committee 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, by or on behalf of a candidate or the candidate's election committee for political purposes;
4. A transfer of funds between political or party committees and a candidate's election committee; or
5. Goods or services provided to or for the benefit of another candidate or another candidate's election committee for political purposes at less than fair market value.
6. Expenditure does not mean services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate.
7. **ELECTION OFFICIAL**. The City Recorder or designee.
8. **FINANCIAL STATEMENT**. A statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this Chapter.
9. **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 for public office at any primary or general election.
10. **REPORTING DATE**.
  1. Ten (10) days before primary or municipal general election for a campaign finance statement to be filed no later than seven (7) days before a municipal primary or general election; and
  2. the day of filing, for a campaign finance statement required to be filed no later than thirty (30) days after a municipal primary or general election.
11. **REPORTING LIMIT**. \$50.
12. **SUROGATE**. Any committee, party, organization, or other person or group who holds or maintains a fund for the benefit of an elected official.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

*Amended by Ord. 07-31 on 5/31/2007*

*Amended by Ord. 09-12 on 3/12/2009*

**3-3-3 Separate Bank Account Required**

1. Each candidate or candidate's personal election committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.



2. The candidate or candidate's personal campaign committee may use the monies in those accounts for political purposes only.
3. A candidate or a candidate's personal campaign committee may not deposit or mingle any contributions received in a personal or business account.
4. If a person is no longer a candidate, surplus campaign funds must be dispersed pursuant to criteria in Section 3-3-6 below and reported in the candidate's final campaign statement.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-3-4 Contributions To Candidates - Limitations**

1. No person shall make cash contributions, the total of which exceeds fifty dollars (\$50.00), during any one campaign, to any candidate or his or her authorized election campaign committee, with respect to any election for City office; however, there shall be no limit as to the amount contributed by a person or entity to an election committee or candidate if that contribution is made in the form of a personal or certified check or bank draft.
2. The acceptance of anonymous contributions is prohibited. Any anonymous contribution received by a candidate or election committee shall be transmitted to the City Treasurer for deposit in the general fund.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-3-5 Campaign Contributions And Expenditures To Be Reported**

Each candidate or election campaign committee must file a sworn campaign contribution and expenditure finance statement, that reports all of the candidate's itemized and total campaign contributions, including in-kind and other non-monetary contributions, and campaign expenditures, as of the reporting date, as follows:

1. **SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT - CONTENT**. The campaign finance statements shall include a detailed listing of each monetary and service contribution received and expenditure made, as follows:
  1. **Contributions**. A list of campaign contributions more than fifty dollars (\$50.00) received by, or on behalf of, the candidate or his/her election committee, including:
    1. the name and address of the contributor;
    2. the date contribution was received;

3. dollar amount contributed or fair market value of service contributed; and
  4. a net balance of contributions for the period.
2. **Contributions Fifty Dollars (\$50.00) or Less.**
1. For all individual contributions or public service assistance \$50 or less, a single aggregate figure may be reported without separate detailed listings.
  2. Two (2) or more contributions from the same source that have an aggregate total more than \$50 may not be reported in the aggregate, but shall be reported separately per section (1) above.
3. **Expenditures.** A list of expenditures made and obligations incurred as a part of the campaign effort shall include:

1. the name and address of every recipient to whom disbursement was made;
2. the amount expended or for each non-monetary expenditure, the fair market value of the expenditure;
3. the date of payment; and
4. a net balance of expenditures for the period.

4. **Statements Balances.** Each campaign statement shall include the net balance from the previous statement, if any, and show a net balance from the last statement plus all receipts minus all expenditures.

2. **REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT IN THE EVENT OF A PRIMARY ELECTION – DEADLINE.**

In the event a Primary Election is required, every candidate running for the office of Mayor or City Council shall file an initial campaign statement with the Election Official at least seven (7) calendar days preceding the date of the primary election. See criteria outlined in Section (A).

3. **REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT BY CANDIDATE(S) ELIMINATED IN PRIMARY - DEADLINE.**

Those candidates eliminated in the primary election must file a final campaign finance statement with the Election Official within thirty (30) calendar days after the primary election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above. The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report. Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

4. **REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT PRECEDING MUNICIPAL GENERAL ELECTION - DEADLINE.**

Following the primary election, every candidate still

eligible for the office of Mayor or City Council in the general election shall file a campaign finance statement with the Election Official at least seven (7) calendar days preceding the date of the general municipal election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A).

5. **REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT**. All candidates in the general election must file a final campaign finance statement with the Election Official within thirty (30) days after the general election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above. The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report. Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.
6. **AMENDED FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT**. In the event a candidate or candidate's campaign committee receives a contribution or makes an expenditure after the candidate's final campaign finance statement has been submitted to the Election Official, an amended final sworn campaign finance statement must be filed with the Election Official within five (5) days of receipt of the contribution or expenditure. A campaign finance statement required under this section is considered filed if it is received in the City Recorder's office by 5 p.m. on the date that it is due.

#### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

*Amended by Ord. 02-05 on 5/9/2002*

*Amended by Ord. 07-31 on 5/31/2007*

*Amended by Ord. 09-12 on 3/12/2009*

### **3-3-6 Disbursement Of Surplus Campaign Funds**

Surplus campaign funds held by the candidate or the candidate's committee must be disbursed at the end of the campaign. Disbursement is normally accomplished by returning contributed monies or other tangible contributions to the contributor, or donating the contributions to a non-profit organization.

The disbursement of any surplus campaign funds must be reported in the final campaign finance statement.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

*Amended by Ord. 07-31 on 5/31/2007*

**3-3-7 Failure To File Campaign Finance Statement**

1. If a candidate fails to file a campaign finance statement before the municipal election by the deadline specified in Municipal Code Section 3-3-5(C):
  1. The Election Official shall, if practicable, remove the candidate's name from the ballot by blacking out the candidates name before the ballots are delivered to the voters; or
  2. 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. The Election Official may not count any votes for that candidate.
2. Notwithstanding Section (A) above, a candidate who files a campaign finance statement seven (7) days before a municipal general election is not disqualified if the statement details accurately and completely the information required under Section 3-3-5(A), except for inadvertent omissions or insignificant errors or inaccuracies; and the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

*Amended by Ord. 07-31 on 5/31/2007*

**3-3-8 Notification By Election Official**

The municipal clerk, recorder or Election Official shall, at the time the candidate for municipal office files a declaration of candidacy and again fourteen (14) days before each municipal general election, notify the candidate in writing of:

1. The provisions of this Chapter and U.C.A. Section 10-3-208(4) governing the disclosure of campaign contributions and expenditures;
2. The dates when the candidate's campaign finance statement is required to be filed; and
3. The penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

HISTORY

*Adopted by Ord. 07-31 on 5/31/2007*

### **3-3-9 Public Inspection**

1. The Election Official shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one (1) business day after the statement is filed, and
2. The Election Official shall make the campaign finance statement filed by a candidate available for public inspection by:
  1. posting an electronic copy of the contents of the statement on the City's website no later than seven (7) business days after the statement is filed; and verifying that the address of the City's website is provided to the Utah Lieutenant Governor pursuant to the requirements of U.C.A. Section 20A-11-103(5), as amended; or
  2. submitting a copy of the statement to the Lieutenant Governor under U.C.A. Section 20A-11-103, as amended, no later than two (2) business days after the statement is filed.

The Election Official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall make them available as a public record open for public inspection.

#### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

*Amended by Ord. 09-12 on 3/12/2009*

### **3-3-10 Civil Action**

1. Any private party in interest may bring a civil action in district court to enforce the provisions of this Section or any ordinance adopted under this Section.
2. In a civil action filed under Subsection (A), the court may award costs and attorney's fees to the prevailing party.

#### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

*Amended by Ord. 07-31 on 5/31/2007*

### **3-4 Written Advisory Opinions**

Where any Council member, official, or employee has a doubt as to the applicability of any provision of this Title to a particular situation, or as to the definition of terms used herein, he or she may apply to the City Attorney for a written advisory opinion. The officer or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of the title before such advisory opinion is made. Such opinion, until amended or revoked, shall be binding on the City,

the City Council, and the City Attorney in any subsequent actions concerning the Council member, official, or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

Any written advisory opinion prepared by the City Attorney shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the City Attorney unless the City officer or employee waives such confidentiality or where the City Attorney deems the public official to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-5 Enforcement; Penalties**

**3-5-1 Enforcement**

**3-5-2 Penalties**

**3-5-1 Enforcement**

The City Attorney shall have the primary responsibility for the enforcement of this Title. He shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the City where such action is appropriate. The City Council may direct the City Attorney to investigate or prosecute any apparent violation of the Title or it may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one or more persons of this Title. Any person who believes that a violation of any portion of Title 3 has occurred may file a complaint with the City Attorney.

The City Attorney shall have the power, where a violation of the provisions of this Title is threatened or has occurred, to bring an action or proceeding at law or in equity for a judgment enjoining a violation of the provisions of this Title or requiring a relinquishment of any prohibited interest or the voiding of any contract or transaction, taking into account the interests of the attorney and any third persons who may be injured thereby.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

**3-5-2 Penalties**

In addition to any other penalties or remedies provided by law, any violation of the provisions of this Title shall result in the following:

1. A cause for suspension, removal from office or dismissal from employment, or other disciplinary action after notice and hearing conducted by the appropriate appointed authority, or in the case of the Council, a majority of the City Council;
2. Any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the City may be rescinded or void.

#### HISTORY

*Adopted by Ord. 91-22 on 12/19/1991*

*Amended by Ord. 95-38 on 7/27/1995*

*Amended by Ord. 01-26 on 7/12/2001*

*Amended by Ord. 2018-28 on 6/26/2018*

**Effective 5/4/2022**

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

(1) Unless a municipality adopts by ordinance more stringent definitions, the following are defined terms for purposes of this section:

(a) "Agent of a candidate" means:

- (i) a person acting on behalf of a candidate at the direction of the reporting entity;
- (ii) a person employed by a candidate in the candidate's capacity as a candidate;
- (iii) the personal campaign committee of a candidate;
- (iv) a member of the personal campaign committee of a candidate in the member's capacity as a member of the personal campaign committee of the candidate; or
- (v) a political consultant of a candidate.

(b) "Anonymous contribution limit" means for each calendar year:

- (i) \$50; or
- (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

(c)

(i) "Candidate" means a person who:

- (A) files a declaration of candidacy for municipal office; or
- (B) 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 municipal office.

(ii) "Candidate" does not mean a person who files for the office of judge.

(d)

(i) "Contribution" means 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 a candidate;
- (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 candidate;
- (C) any transfer of funds from another reporting entity to the candidate;
- (D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;
- (E) a loan made by a candidate deposited to the candidate's own campaign; and
- (F) an in-kind contribution.

(ii) "Contribution" does not include:

- (A) services provided by an individual volunteering a portion or all of the individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;
- (B) money lent to the candidate by a financial institution in the ordinary course of business; or
- (C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.

(e) "Coordinated with" means that goods or services provided for the benefit of a candidate are provided:

- (i) with the candidate's prior knowledge, if the candidate does not object;
- (ii) by agreement with the candidate;
- (iii) in coordination with the candidate; or
- (iv) using official logos, slogans, and similar elements belonging to a candidate.

(f)



- (i) "Expenditure" means any of the following made by a candidate or an agent of the candidate on behalf of the candidate:
    - (A) any disbursement from contributions, receipts, or from an account described in Subsection (3)(a);
    - (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
    - (C) 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 a political purpose;
    - (D) compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;
    - (E) a transfer of funds between the candidate and a candidate's personal campaign committee as defined in Section 20A-11-101; or
    - (F) goods or services provided by a reporting entity to or for the benefit of the candidate for political purposes at less than fair market value.
  - (ii) "Expenditure" does not include:
    - (A) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate; or
    - (B) money lent to a candidate by a financial institution in the ordinary course of business.
  - (g) "In-kind contribution" means anything of value other than money, that is accepted by or coordinated with a candidate.
  - (h)
    - (i) "Political consultant" means a person who is paid by a candidate, or paid by another person on behalf of and with the knowledge of the candidate, to provide political advice to the candidate.
    - (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i), where the person:
      - (A) has already been paid, with money or other consideration;
      - (B) expects to be paid in the future, with money or other consideration; or
      - (C) understands that the person may, in the discretion of the candidate or another person on behalf of and with the knowledge of the candidate, be paid in the future, with money or other consideration.
    - (i) "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 or a person seeking a municipal office at any caucus, political convention, or election.
  - (j) "Reporting entity" means:
    - (i) a candidate;
    - (ii) a committee appointed by a candidate to act for the candidate;
    - (iii) a person who holds an elected municipal office;
    - (iv) a party committee as defined in Section 20A-11-101;
    - (v) a political action committee as defined in Section 20A-11-101;
    - (vi) a political issues committee as defined in Section 20A-11-101;
    - (vii) a corporation as defined in Section 20A-11-101; or
    - (viii) a labor organization as defined in Section 20A-11-1501.
- (2)

- (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a candidate that are more stringent than the requirements provided in Subsections (3) through (7).
  - (b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).
  - (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3) through (7).
- (3) Each candidate:
- (a) shall deposit a contribution in a separate campaign account in a financial institution; and
  - (b) may not deposit or mingle any campaign contributions received into a personal or business account.
- (4)
- (a) In a year in which a municipal primary is held, each candidate who will participate in the municipal primary shall file a campaign finance statement with the municipal clerk or recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).
  - (b) Each candidate who is not eliminated at a municipal primary election shall file a campaign finance statement with the municipal clerk or recorder no later than:
    - (i) 28 days before the day on which the municipal general election is held;
    - (ii) seven days before the day on which the municipal general election is held; and
    - (iii) 30 days after the day on which the municipal general election is held.
  - (c) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement within 30 days after the day on which the municipal primary election is held.
- (5) If a municipality does not conduct a primary election for a race, each candidate who will participate in that race shall file a campaign finance statement with the municipal clerk or recorder no later than:
- (a) 28 days before the day on which the municipal general election is held;
  - (b) seven days before the day on which the municipal general election is held; and
  - (c) 30 days after the day on which the municipal general election is held.
- (6) Each campaign finance statement described in Subsection (4) or (5) shall:
- (a) except as provided in Subsection (6)(b):
    - (i) report all of the candidate's itemized and total:
      - (A) contributions, including in-kind and other nonmonetary contributions, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and
      - (B) expenditures made up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and
    - (ii) identify:
      - (A) for each contribution, the amount of the contribution and the name of the donor, if known; and
      - (B) for each expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or
  - (b) report the total amount of all contributions and expenditures if the candidate receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the anonymous contribution limit, and is from a donor whose name is unknown, a candidate shall disburse the amount of the contribution to:

- (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
  - (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (8)
- (a) A municipality may, by ordinance:
    - (i) provide an anonymous contribution limit less than \$50;
    - (ii) require greater disclosure of contributions or expenditures than is required in this section; and
    - (iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.
  - (b) A candidate is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (8)(a) if:
    - (i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and
    - (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (9).
- (9) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 35 days before each municipal general election, notify the candidate in writing of:
- (a) the provisions of statute or municipal ordinance governing the disclosure of contributions and expenditures;
  - (b) the dates when the candidate's campaign finance statement is required to be filed; and
  - (c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.
- (10) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:
- (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
  - (b) make the campaign finance statement filed by a candidate available for public inspection by:
    - (i)
      - (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and
      - (B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
    - (ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.
- (11)
- (a) If a candidate fails to timely file a campaign finance statement required under Subsection (4) or (5), the municipal clerk or recorder:
    - (i) may send an electronic notice to the candidate that states:
      - (A) that the candidate failed to timely file the campaign finance statement; and
      - (B) 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
    - (ii) may impose a fine of \$50 on the candidate.

- (b) The municipal clerk or recorder shall disqualify a candidate and inform the appropriate election official that the candidate is disqualified if the candidate fails to file a campaign finance statement described in Subsection (4) or (5) within 24 hours after the deadline for filing the report.
- (c) If a candidate is disqualified under Subsection (11)(b), the election official:
  - (i)
    - (A) shall, 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) 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
  - (ii) may not count any votes for that candidate.
- (d) Notwithstanding Subsection (11)(b), a candidate who timely files each campaign finance statement required under Subsection (4) or (5) is not disqualified if:
  - (i) the statement details accurately and completely the information required under Subsection (6), except for inadvertent omissions or insignificant errors or inaccuracies; and
  - (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
- (e) A candidate for municipal office who is disqualified under Subsection (11)(b) shall file with the municipal clerk or recorder a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.
- (12) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.
- (13)
  - (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.
  - (b) In a civil action under Subsection (13)(a), the court may award costs and attorney fees to the prevailing party.

Amended by Chapter 151, 2022 General Session