

ORDINANCE NO. 16-09

**AN ORDINANCE ESTABLISHING THE METHOD AND PROCEDURE OF
DISCLOSING CAMPAIGN FINANCES FOR COUNTY OFFICIALS.**

WHEREAS, the County Commission is charged under Utah Law with adopting and enacting an ordinance to establish the method and procedure of disclosing campaign finances, Utah Code Ann. § 17-16-6.5; and

WHEREAS, the County recognizes the need for fairness and transparency in public elections; and

WHEREAS, the County recognizes the value to the public in having candidates for elected offices within the county file financial reports which are available for public inspection; and

NOW THEREFORE, be it ordained that the following is hereby adopted by the board of Daggett County Commission regarding financial disclosure in county elections:

SECTION 1 – Definitions

The following terms will have the following definitions for the purposes of this ordinance:

1. ***“Contribution”*** means:
 - A. A gift, subscription, donation, loan, advance, or deposit of money or anything of value, including nonmonetary contributions such as in-kind contributions and contributions of tangible things, except a loan of money by a financial institution made in accordance with the applicable financial institution laws and regulations and in the ordinary course of business, made for political purposes;
 - B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution described in subsection A of this definition;
 - C. A transfer of funds between a political committee and a candidate’s personal campaign committee;
 - D. Compensation paid by a person other than the candidate’s personal campaign committee for personal services of another person rendered without charge to the candidate or such candidate’s personal campaign committee;
 - E. A coordinated expenditure; but

F. "Contribution shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate or such candidate's personal campaign committee.

2. "*Expenditure*" means:

- A. A purchase, payment, donation, distribution, loan, advance, deposit, or gift of money or anything of value made for political purposes;
- B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make an expenditure described in subsection A of this definition; or
- C. A transfer of funds by a political committee to another political committee or to a candidate's personal campaign committee.

3. "*Candidate*" means any individual that is a candidate for either county office or local school board office.

All other terms used in this ordinance which are not expressly listed above are to be interpreted as defined by Utah State Code, as amended.

SECTION 2 – Requirements and Restrictions

1. Each candidate shall report the candidate's itemized and total campaign contributions and expenditures at least once within the two weeks before the election and at least once within two months after the election.
2. Financial reports provided by candidates shall include the name, if known, and the amount of each contribution as well as the name and amount of the recipient of each expenditure.
3. Candidates shall deposit contributions in a separate campaign account in a financial institution.
4. Candidates may not deposit or mingle any contributions received into a personal or business account.
5. Candidates who receive a contribution that is cash or a negotiable instrument which exceeds fifty (50) dollars and is from a donor whose name is unknown, shall, within thirty (30) days after receiving the contribution, 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.

6. Candidates shall include on a financial report required under this ordinance any contribution deposited in or an expenditure made from an account:
 - A. since the last financial report was filed or from an account; or
 - B. that has not been reported under a statute or ordinance that governs the account.
7. Candidates who are eliminated at a primary election, should there be one, shall file a signed campaign financial statement containing the information required under this ordinance not later than 30 days after the primary election.
8. The county clerk may impose a fine of \$100 on any candidate who fails to file an interim report due before the election as required under this ordinance. In addition, the county clerk may send an electronic notice to any candidate who fails to file an interim report. Such electronic notice shall state that:
 - A. the candidate failed to timely file the report;
 - B. that the candidate will be disqualified from the election if he or she fails to file the report within twenty-four (24) hours after the deadline for filing the report has passed; and
 - C. that a political party will not be permitted to replace the candidate who is disqualified.
9. Any candidate who fails to file an interim report within twenty-four (24) hours after the established deadline for filing required under this ordinance shall be disqualified by the county clerk. The county clerk shall inform the appropriate election officials of the disqualification.
10. The political party of a candidate who is disqualified under Section 2.9 above may not replace the candidate.
11. An election official shall, if practicable, remove the name of any disqualified candidate by blacking out the candidate's name before the ballots are delivered to voters or shall inform voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted. The election official may not count votes for any disqualified candidate.
12. A financial report is considered timely if:
 - A. The report is received in the county clerk's office no later than midnight, MST, at the end of the day on which the report is due;
 - B. The report is received in the county clerk's office with a United States Postal Service postmark three days or more before the date that the report was due; or
 - C. The candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.

13. The county clerk shall permit a candidate to file the report via email or another electronic means designated by the county clerk if the clerk's office is not open until midnight at the end of the day on which the report is due.

14. The county clerk shall:

- A. Make each campaign finance report filed by a candidate available for public inspection by:
 - i. Posting an electronic copy or the contents of the statement on the county's website no later than seven business days after the statement is file; and
 - ii. Verifying that the address of the county's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
- B. 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.

SECTION 3 – General Terms

- 1. Any person who fails to comply with this ordinance is guilty of an infraction.
- 2. This ordinance is made pursuant to Utah Code Ann. § 17-16-6.5 (2016) (the "Code"). Any requirement or restriction not included in this agreement but discussed in the Code shall be binding upon candidates.
- 3. This ordinance shall become effective fifteen (15) days after publication.

DATED this 14th of June, 2016 .

ATTEST:

Sue Olorenshaw

Sue Olorenshaw
County Clerk/Treasurer



DAGGETT COUNTY
BOARD OF COMMISSIONERS:

Absent

Clyde Slaugh, Chairman

Karen Perry

Karen Perry, Member

Jack Lytle

Jack Lytle, Member