



# City of Saratoga Springs, Utah

## Application for City Council Vacancy

Please note that the information on this form may be available to the public  
in accordance with Utah State Code 63G-2-301 and 63G-2-210.

(Print Name)

Address

Phone

Email

I understand that the term of this office will be from January, 2026 to January, 2028.

I state that I meet the following qualifications for the office of City Council:

### MUNICIPAL CANDIDATE

Utah Code Ann. [§10-3-301](#)

Utah Code Ann. [§20A-9-203](#)

- Registered voter in the municipality in which the individual is elected\*;
- Must have resided in the municipality for which the candidate is seeking office for the 12 consecutive months immediately before the date of the election;
- Maintain a principal place of residence within the municipality during the officer's term of office;
- If the individual resides in a territory which was annexed into the municipality: must have resided within the annexed territory or municipality the 12 consecutive months immediately before the date of the election;
- Pay filing fee, if one is required by municipal ordinance;
- Not convicted of a felony, treason, or a crime relating to elections\*\*; and
- Cannot have been declared mentally incompetent.

*\* Utah Code §20A-2-101 states: A registered voter (1) is a citizen of the United States; (2) is a resident of Utah; (3) will, on the date of that election, be at least 18 years old, (4) has been a resident of Utah for 30 days immediately before that election; (5) and is registered to vote.*

*\*\* Utah Code §20A-2-101.5 states: A person convicted of a felony loses the right to hold office until (1) all felony convictions have been expunged, OR (2) ten years have passed since the most recent felony conviction AND the person has paid all court-ordered restitution and fines AND the person has completed probation, been granted parole, or completed the term of incarceration associated with the felony.*

I have or will file a conflict-of-interest disclosure requirements as required in [UCA § 10-3-301.5](#), no later than 5 p.m. January 2, 2026, or be disqualified.

I have or will file a campaign finance statement as required, [UCA § 10-3-208](#), no later than 5 p.m. January 2, 2026, or be disqualified.

Signature of Applicant

Subscribed and sworn to before me by \_\_\_\_\_ on this \_\_\_\_\_, day of \_\_\_\_\_ 20\_\_\_\_. (Applicant Name)

Notary Public / Clerk

Date Received: \_\_\_\_\_

☐ (Optional) I wish to classify my addresses listed above as a protected record. By doing so, you must provide an alternative address or phone number. Utah Code § 63G-2-305(52)

Alternative Address or Phone Number: \_\_\_\_\_

# Saratoga Springs City Council – Interview Questions

Please give concise answers to the questions below.

Do not name any specific developers, individuals, or entities in the City.

1. **Smart Growth:** In a fast-growing city, what does “smart growth” mean to you in practical terms?

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2. **Where to Grow (and Why):** Where should the city concentrate growth, and what criteria would you use to guide those decisions (e.g., infrastructure capacity, fiscal impact, neighborhood compatibility, and market demand)?

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3. **Compatibility:** A project complies with zoning but conflicts with the surrounding area’s character. How would you address compatibility (e.g., setbacks, height transitions, frontage/street design, open space, and phasing)?

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4. **Traffic Before Regional Options:** A proposal adds congestion before regional transportation improvements are in place. What mitigation package would you require (e.g., connectivity, active transportation improvements, frontage improvements, and timing/trigger requirements)?

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5. **Fiscal Impacts Checklist:** How do you evaluate the fiscal impact of growth? What’s on your checklist for one-time versus ongoing costs and revenues?
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6. **Conflicts of Interest:** When would you disclose a conflict of interest, and when would you recuse yourself?
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7. **Vested Rights:** How do you handle vested rights when they conflict with adjacent property owners’ interests—or with your personal opinion?
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8. **Impact Fees vs. Property Taxes:** Given the need to fund growth-related infrastructure, what is your philosophy on using impact fees versus property taxes for capital projects?
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9. **Balanced Growth + Local Economy:** Some residents feel growth is too fast; others want more retail, dining, and jobs to create a more self-sufficient economy. What incentives, policy changes, or zoning strategies would you propose to attract neighborhood-scale retail and high-value employers?
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10. **Why the Appointment, Why Now:** Why do you want a two-year appointment to the Saratoga Springs City Council right now, and what firsthand experience in our community motivates you to serve?

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11. **What Excites You About Governance:** Council work often involves technical decisions (e.g., impact fees, zoning amendments). Beyond casting votes, what aspect of municipal governance excites you most, and how would you measure success two years from now?

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12. **Time Commitment + Motivation:** Council service requires substantial time and personal sacrifice. What non-monetary return do you hope to gain from serving, and what single local issue are you most willing to invest your time to help solve?

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# CANDIDATE CONFLICT OF INTEREST DISCLOSURE FORM

The following disclosures are required to be made by all municipal candidates for the City of Saratoga Springs pursuant to Utah Code Annotated § [10-3-1313](#), § [20A-11-1604\(6\)](#), & [10-3-301.5](#)

If additional space is needed, please use a separate sheet of paper. Per statute, the information provided shall be kept on file with the City Recorder and shall be posted to the City website with links provided to the Lieutenant Governor.

I, \_\_\_\_\_, am a candidate for  
\_\_\_\_\_ in the City of Saratoga Springs  
Municipal Election.

- 1) \*The name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year; and for each employer described, a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title.

Business Name & Address:	Description and Position:
Business Name & Address:	Description and Position:

(\*If a regulated officeholder or regulated officeholder's spouse is an at-risk government employee, as that term is defined in Subsection 63G-2-303(1)(a), the regulated officeholder may request the filing officer to redact from the conflict-of-interest disclosure: (i) the regulated officeholder's employment information, and (ii) the regulated officeholder's spouse's name and employment information.)

- 2) For each entity in which the regulated officeholder is an owner or officer, or was the owner or officer during the preceding year: the name of each entity; a brief description of the type of business or activity conducted by the entity; and the regulated officeholder's position in the entity:

Entity Name:	Type of Business or Activity of Entity:
Position with Entity:	
Entity Name:	Type of Business or Activity of Entity:
Position with Entity:	

- 3) \*\*Each individual from whom, or entity from which, the regulated officeholder has received \$5,000 or more in income during the preceding year: the name of the individual or entity; and a brief description of the type of business or activity conducted by the individual or entity:

Individual or Entity Name:	Type of Business or Activity of Individual or Entity:

*(\*\*In making the disclosure described, a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information in relation to the regulated officeholder's individual customers or clients.)*

- 4) For each entity in which the regulated officeholder holds any stocks or bonds having a fair market value of \$5,000 or more as of the date of the disclosure form or during the preceding year, but excluding funds that are managed by a third party, including blind trusts, managed investment accounts, and mutual funds: the name of the entity; and a brief description of the type of business or activity conducted by the entity:

Entity Name:	Type of Business or Activity of Entity:

- 5) For each entity not listed above in which the regulated officeholder currently serves, or served in the preceding year, in a paid leadership capacity or in a paid or unpaid position on a board of directors: the name of the entity or organization; a brief description of the type of business or activity conducted by the entity; and the type of position held by the regulated officeholder:

Entity Name and position held:	Type of Business or Activity of Entity:

- 6) At the option of the regulated officeholder, a description of any real property in which the regulated officeholder holds an ownership or other financial interest that the regulated officeholder believes may constitute a conflict of interest, including a description of the type of interest held by the regulated officeholder in the property:

Description of Property:	Interest Held:

- 7) Name of regulated officeholder's spouse; and \*the name of each of the regulated officeholder's spouse's current employers and each of the regulated officeholder's spouse's employers during the preceding year, if the regulated officeholder believes the employment may constitute a conflict of interest;

Spouse Name:	Business Name & Address:
Occupation:	
Occupation:	Business Name & Address:

\*If a regulated officeholder or regulated officeholder's spouse is an at-risk government employee, as that term is defined in Subsection 63G-2-303(1)(a), the regulated officeholder may request the filing officer to redact from the conflict-of-interest disclosure: (i) the regulated officeholder's employment information, and (ii) the regulated officeholder's spouse's name and employment information.

- 8) The name of any adult residing in the regulated officeholder's household who is not related to the officeholder by blood; and for each adult described, a brief description of the employment and occupation, if the regulated officeholder believes the adult's presence in the regulated officeholder's household may constitute a conflict of interest;

Name:	Business Name & Address:
Occupation:	
Name:	Business Name & Address:
Occupation:	

- 9) At the option of the officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;

Description of Conflict:

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By signing below, I acknowledge that the form is true and accurate to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**SARATOGA SPRINGS MUNICIPAL VACANCY**  
**CAMPAIGN FINANCE STATEMENT**  
**REPORT OF CONTRIBUTIONS AND EXPENDITURES**  
([Utah Code Annotated § 20A-1-510](#), [§ 10-3-208](#), [§ 10-3-209](#))

**Statement Filing**

Email or Deliver to: City Recorder Nicolette Fike [nfike@saratogasprings-ut.gov](mailto:nfike@saratogasprings-ut.gov)  
1307 N. Commerce Dr., Suite 100, Saratoga Springs UT 84045. Phone: 801-766-9793 ext. 192  
After Dec. 19<sup>th</sup>, please email only.

\_\_\_\_\_  
**Name of Applicant**

Applicant for:    ☐ Council Member    ☐ Mayor

**Report Submitted for:**

Application for Vacancy of Elected Official.

Complete through: December 26, 2025.

**Due: January 2, 2026, 5:00 p.m.**

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. [UCA 10-3-208](#)

I, \_\_\_\_\_ (print name), affirm that this Campaign Finance Statement is true and correct to the best of my knowledge.

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

\_\_\_\_\_  
**Date**

*For Office Use Only*

Date & Time Received: \_\_\_\_\_

Received By: \_\_\_\_\_

# ITEMIZED CONTRIBUTIONS

## SCHEDULE A

DONOR NAME	CONTRIBUTION AMOUNT
	\$
<b>SUBTOTAL FOR THIS PAGE</b>	\$
<b>Total Contributions Made through _____ (date)</b>	\$

Attach additional pages as needed.

**Contributions - Expenditures \$500 or less** [Utah Code § 10-3-208](#)  
 A Candidate may report the total amount of all campaign contributions and expenditures if you received \$500 or less in campaign contributions and spent \$500 or less on you campaign.

<b>Total Campaign Contributions \$500 or less</b>	\$
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## ITEMIZED EXPENDITURES SCHEDULE B

RECIPIENT NAME	EXPENDITURE AMOUNT
	\$
<b>SUBTOTAL FOR THIS PAGE</b>	\$
<b>Total Expenditures Made through _____ (date)</b>	\$

Attach additional pages as needed.

**Contributions - Expenditures \$500 or less** [Utah Code § 10-3-208](#)

A Candidate may report the total amount of all campaign contributions and expenditures if you received \$500 or less in campaign contributions and spent \$500 or less on you campaign.

Total Campaign Expenditures \$500 or less	\$
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## BALANCE SUMMARY

1	Balance at beginning of Reporting Period	\$
2	Total of Contributions Received	\$
3	Subtotal Contributions (Add lines 1 & 2)	\$
4	Total Expenditures Made	\$
5	Ending Balance (Subtract Line 4 from Line 3)	\$

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**In the event a candidate has no contributions or expenditures during a reporting period, a financial statement which states there were no contributions received or expenditures made must still be filed.**

A person is considered a candidate and must begin filing financial disclosure reports if one or more of the following occurs:

- The individual files a declaration of candidacy for municipal office; or
- The individual 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.

Every candidate is required to have a separate campaign account in a financial institution; and may not deposit or mingle any campaign contributions received into a personal or business account.

[Utah Code Annotated § 10-3-208](#)

### **Penalties for Failure to File Timely Disclosure**

If a candidate fails to timely file a campaign finance statement required, the municipal clerk or recorder shall: notify every opposing candidate for the municipal office that the candidate is disqualified; send an email notification to each voter who is eligible to vote in the municipal election office race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted; post notice of the disqualification on a public website; and if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; and may not count any votes for that candidate. An election official may fulfill the requirements described in Subsection (11)(c)(i) in relation to a mailed ballot, including a military overseas ballot, by including with the ballot a written notice: informing the voter that the candidate is disqualified; or directing the voter to a public website to inform the voter whether a candidate on the ballot is disqualified.

[Utah Code Annotated § 10-3-208.](#)

## **Campaign Finance Statutes: Municipal Candidates**

**(Utah Code § 10-3-208)**

***Effective 5/7/2025***

### **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 (8).

(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 (8).

(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)

(a) If a candidate seeks appointment to fill a midterm vacancy in a municipal office the candidate shall, no later than three business days before the day on which the municipal legislative body meets to interview the candidate in accordance with Section 20A-1-510, file a campaign finance statement with the municipal clerk or recorder.

(b) Upon receipt of the campaign finance statement described in Subsection (6)(a), the municipal clerk or recorder shall immediately submit a copy of the statement to the municipal legislative body.

(7) Each campaign finance statement described in Subsection (4), (5), or (6) shall:

(a) except as provided in Subsection (7)(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.

(8) 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.

(9)

(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 (9)(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 (10).

(10) 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.

(11) 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) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the day on which the statement is filed; and
  - (ii) in order to comply with the requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic posting described in Subsection (11)(b)(i) no later than two business days after the day on which the statement is filed.

(12)

(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 (12)(b), the election official:

- (i) shall:
  - (A) notify every opposing candidate for the municipal office that the candidate is disqualified;
  - (B) send an email notification to each voter who is eligible to vote in the municipal election office race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted;
  - (C) post notice of the disqualification on a public website; and
  - (D) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; and
- (ii) may not count any votes for that candidate.

(13) An election official may fulfill the requirements described in Subsection (12)(c)(i) in relation to a mailed ballot, including a military overseas ballot, by including with the ballot a written notice:

- (a) informing the voter that the candidate is disqualified; or
- (b) directing the voter to a public website to inform the voter whether a candidate on the ballot is disqualified.

(14) Notwithstanding Subsection (12)(b), a candidate who timely files each campaign finance statement required under Subsection (4) or (5) is not disqualified if:

- (a) the statement details accurately and completely the information required under Subsection (7), except for inadvertent omissions or insignificant errors or inaccuracies; and
- (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(15) A candidate for municipal office who is disqualified under Subsection (12)(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.

(16) 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.

(17)

- (a) A private party in interest may bring a civil action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of this section or an ordinance adopted under this section.
- (b) In a civil action under Subsection (17)(a), the court may award costs and attorney fees to the prevailing party.

## **Campaign Finance Statutes: Municipal Candidates**

**(Utah Code § 10-3-209)**

***Effective 5/1/2024***

### **10-3-209 Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.**

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

(a) "Candidate" means a person who:

(i) files a declaration of candidacy for municipal office; or

(ii) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

(b) "Officeholder" means a person who is elected to and currently holds a municipal office.

(c)

(i) "Personal use expenditure" means an expenditure that:

(A) is not excluded from the definition of personal use expenditure by Subsection (2) and primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder; or

(B) would cause the candidate or officeholder to recognize the expenditure as taxable income under federal law.

(ii) "Personal use expenditure" includes:

(A) a mortgage, rent, utility, or vehicle payment;

(B) a household food item or supply;

(C) a clothing expense, except:

(I) clothing bearing the candidate's name or campaign slogan or logo that is used in the candidate's campaign;

(II) clothing bearing the logo or name of a jurisdiction, district, government organization, government entity, caucus, or political party that the officeholder represents or of which the officeholder is a member; or

(III) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or officeholder;

(D) an admission to a sporting, artistic, or recreational event or other form of entertainment;

(E) dues, fees, or gratuities at a country club, health club, or recreational facility;

(F) a salary payment made to a candidate, officeholder, or a person who has not provided a bona fide service to a candidate or officeholder;

(G) a vacation;

(H) a vehicle expense;

(I) a meal expense;

(J) a travel expense;

(K) a payment of an administrative, civil, or criminal penalty;

(L) a satisfaction of a personal debt;

(M) a personal service, including the service of an attorney, accountant, physician, or other professional person;

(N) a membership fee for a professional or service organization; and

(O) a payment in excess of the fair market value of the item or service purchased.

(2) As used in this section, "personal use expenditure" does not mean an expenditure made:

(a) for a political purpose;

(b) for candidacy for public office;

(c) to fulfill a duty or activity of an officeholder;

(d) for a donation to a registered political party;

(e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;

(f) to return all or a portion of a contribution to a donor;

(g) for the following items, if made in connection with the candidacy for public office or an activity or duty

of an officeholder:

- (i)
    - (A)a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or
    - (B)for motor fuel or special fuel, as defined in Section 59-13-102;
  - (ii)a meal expense;
  - (iii)a travel expense, including an expense incurred for airfare or a rental vehicle;
  - (iv)a payment for a service provided by an attorney or accountant;
  - (v)a tuition payment or registration fee for participation in a meeting or conference;
  - (vi)a gift;
  - (vii)a payment for the following items in connection with an office space:
    - (A)rent;
    - (B)utilities;
    - (C)a supply; or
    - (D)furnishing;
  - (viii)a booth at a meeting or event; or
  - (ix)educational material;
  - (h)to purchase or mail informational material, a survey, or a greeting card;
  - (i)for a donation to a charitable organization, as defined by Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;
  - (j)to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
  - (k)to pay membership dues to a national organization whose primary purpose is to address general public policy;
  - (l)for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community;
  - (m)for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2); or
  - (n)to pay childcare expenses of:
    - (i)a candidate while the candidate is engaging in campaign activity; or
    - (ii)an officeholder while the officeholder is engaging in the duties of an officeholder.
- (3)
- (a)A municipality may adopt an ordinance prohibiting a personal use expenditure by a candidate with requirements that are more stringent than the requirements provided in Subsection (4).
  - (b)The municipality may adopt definitions that are more stringent than those provided in Subsection (1) or (2).
  - (c)If a municipality fails to adopt a personal use expenditure ordinance described in Subsection (3)(a), a candidate shall comply with the requirements contained in Subsection (4).
- (4)A candidate or an officeholder may not use money deposited into a campaign account for:
- (a)a personal use expenditure; or
  - (b)an expenditure prohibited by law.
- (5) A municipality may enforce this section by adopting an ordinance:
- (a)to provide for the evaluation of a campaign finance statement to identify a personal use expenditure; and
  - (b)to commence informal adjudicative proceedings if, after an evaluation described in Subsection (5)(a), there is probable cause to believe that a candidate or officeholder has made a personal use expenditure.
- (6) If, in accordance with the proceedings described in Subsection (5)(b) established in municipal ordinance, a municipality determines that a candidate or officeholder has made a personal use expenditure, the municipality:
- (a)may require the candidate or officeholder to:
    - (i)remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the municipality; and
    - (ii)deposit the amount of the personal use expenditure into the campaign account from which the personal use expenditure was disbursed; and
  - (b)shall deposit the money received under Subsection (6)(a)(i) into the municipal general fund.