



REQUEST FOR COUNCIL ACTION

Presenter: Alan Anderson

Meeting Date Requested: 11/18/2020

Department: City Council

Date Final Action Required: 11/18/2020

Meeting Type: Work Session Public Hearing Business Item Other:

Action Requested: Provide Information Request Feedback Decision Other:

Time Requested: Total Time: 30 (Presentation Time: 5 Council Discussion: 25)

Approval Signatures

Submitter: Alan Roll

Dept. Head: Alan Roll

Reviewed as to Form: David Quealy (Nov 13, 2020 12:50 MST)

Executive: Ally

Council Office: Alan Roll

Council Committee: _____

(**Please note: when completing for New Business item, only lines 1-5 are required)

1. AGENDA SUBJECT

Discussion on proposed election code amendments.

2. PURPOSE FOR COUNCIL TIME

Council Members Green and McConnehey have suggested to consolidate election code as well as remove duplicative sections related to Political Action Committees (PAC) and Political Issues Committees (PIC) that are already regulated in state code. The Election Code will be consolidated into Title 1 Chapter 15.

3. SUMMARY

The Election Code is currently found in various places within the City Code [1-6-3](#), [1-6A](#), [1-7-3](#), [1-7-8](#) and [1-8-4](#) and it is proposed it be consolidated into a single chapter, Title 1 Chapter 15. Proposed amendments include clarification on election contribution and expenditures reporting and removing PICs and PACs, which are regulated by the state. The City Council will need to make a decision regarding what, if any, penalty should be inserted into the ordinance for a circumstance when a sitting elected officials fails to file the annual campaign finance report required by Section 1-15-4(D) of the proposed ordinance.

4. TIME SENSITIVITY / URGENCY

The desire was to have these code amendments completed prior to the upcoming municipal election process.

5. BUDGET IMPACT

There is no anticipated financial impact to the budget.

6. STAFF RECOMMENDATION

Based on feedback and amendments from the Council, staff recommends adopting these amendments.

7. PLANNING COMMISSION RECOMMENDATION *(if applicable)*

N/A

8. MOTION RECOMMENDED *(if applicable)*

The motion for this agenda item will depend on what penalty, if any, the Council decides to adopt for a violation of Section 1-15-4(D) of the proposed Ordinance. Three possible penalties are outlined in Paragraph 11 of this Request for Council Action. A suggested motion related to each of those options is included. The Council could also provide staff with direction regarding its desired penalty and move to postpone the item to a future meeting after staff is able to draft language consistent with the Council's direction:

Motion Option 1: "I move to adopt Ordinance 20-44 amending the West Jordan City election code, with the following language being added to the end of Section 1-15-4(D)(2): *'be considered to have committed a 'violation' as defined in City Code § 1-11A-2 and subject to any and all means for addressing 'violations' set forth in Title 1 Chapter 11, Article A.'*"

Motion Option 2: "I move to adopt Ordinance 20-44 amending the West Jordan City election code, with the following language being added to the end of Section 1-15-4(D)(2): *'be subject to the right of private enforcement action found in Utah Code § 10-3-208(11).'*"

Motion Option 3: "I move to adopt Ordinance 20-44 amending the West Jordan City election code, with the following language being added to the end of Section 1-15-4(D)(2): *'be subject to the penalties set forth in Utah Code 10-3-826 upon proof of a willful omission to fulfill his or her duty to file an updated campaign finance report.'*"

9. MAYOR RECOMMENDATION *(if applicable)*

N/A

10. PACKET ATTACHMENT(S) *(if larger than 25 mb, embed electronically)*

1. Ordinance No. 20-44
2. Proposed Election Code with Red-line showing edits requested by the Council at the October 28, 2020 Work Session (**Exhibit 1**)
3. Proposed Election Code Repealed Provisions (**Exhibit 2**)

11. OTHER INFORMATION *(if applicable)*

A proposed ordinance updating the election code was presented to the City Council at a work session on October 28, 2020. During the work session, the City Council requested the following edits to the proposed ordinance:

- a. A provision setting forth the process for and circumstances necessitating a primary election.
- b. Language edits to Section 1-15-4(D) regarding the requirement for sitting elected officials to file an annual campaign finance report while in office.
- c. A provision requiring the City Recorder to notify elected officials of the deadline to file the annual campaign finance report required by Section 1-15-4(D) in advance of the deadline.

- d. A penalty for elected officials that fail to file the annual campaign finance report required by Section 1-15-4(D).

The City Council's requests were addressed as follows:

- a. A provision regarding primary elections was added as Paragraph F to Section 1-15-2. It can be seen on lines 214-220 of Exhibit 1 (the redline ordinance). The provision simply codifies state law requirements regarding when and how primary elections are held.
- b. The requested language edits to 1-15-4(D) were made and can be seen on lines 261-264 of Exhibit 1 (the redline ordinance). The changes clarify what must be disclosed on the annual campaign finance report.
- c. A provision requiring the City Recorder to notify elected officials of upcoming annual campaign finance report deadlines was added to Section 1-15-4 as Paragraph (F)(2). The addition can be seen on lines 285-288 of Exhibit 1 (the redline ordinance). The proposed ordinance already included a requirement for the City Recorder to notify candidates of upcoming campaign finance report deadlines. The new paragraph largely mirrors the City Recorder's requirement for candidates.
- d. A subparagraph (2) was added to Section 1-15-4(D) where a penalty for an elected official failing to file his/her annual campaign finance report can be inserted (see lines 268-269 of Exhibit 1). However, because the type and nature of the desired penalty is a policy decision, and because direction was not received regarding what specific penalty was desired at the October 28, 2020 work session, a specific penalty has not been drafted into the ordinance. A decision regarding what penalty should be included in the ordinance must be made before it is adopted. The decision can be made during council meeting, but the exact language the Council desires must be stated verbatim in the motion approving the ordinance. In the alternative, the Council can provide staff with direction regarding what it would like the penalty to be and bring the item back for final approval at a subsequent meeting after staff has drafted formal language.

To provide the Council with some direction regarding possible penalties, the following are three options the Council could consider for adoption as a penalty. They are not the only options available to the Council. Each option is separately identified with proposed language that could be referenced in a motion if desired.

Option 1: The City Council could rely on the ethics provisions in City Code 1-11A. If the City Council desires to select this option as the penalty, the following language could be added to the end of Section 1-15-4(D)(2) of the ordinance : *"be considered to have committed a 'violation' as defined in City Code § 1-11A-2 and subject to any and all means for addressing 'violations' set forth in Title 1 Chapter 11, Article A.* The final language for Section 1-15-5(D)(2) would then read: *"If an Elected Official fails to file an updated campaign finance report by June 15th as required by this Paragraph, he or she shall be considered to have committed a 'violation' as defined in City Code § 1-11A-2 and subject to any and all means for addressing 'violations' set forth in Title 1 Chapter 11, Article A."*

Option 2: The City Council could rely on the penalty in Utah Code § 10-3-208(11) (Campaign Finance Disclosure in Municipal Election), which allows a private party to “bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.” If the City Council desires to select this option as the penalty, the following language could be added to the end of Section 1-15-4(D)(2) of the ordinance: *“be subject to the right of private enforcement action found in Utah Code § 10-3-208(11).”* The final language for Section 1-15-5(D)(2) would then read: “If an Elected Official fails to file an updated campaign finance report by June 15th as required by this Paragraph, he or she shall *be subject to the right of private enforcement action found in Utah Code § 10-3-208(11).*”

Option 3: The City Council could rely on the general penalty found in Utah Code § 10-3-826. This provision of state code states “In case any municipal officer shall at any time willfully omit to perform any duty . . . the person is guilty of a class A misdemeanor, shall be removed from office, and is not eligible for any municipal office thereafter.” This is a stiff penalty, but it does require the failure to file to be “willful.” If the City Council desires to select this option as the penalty, the following language could be added to the end of Section 1-15-4(D)(2) of the ordinance: *“be subject to the penalties set forth in Utah Code 10-3-826 upon proof of a willful omission to fulfill his or her duty to file an updated campaign finance report.”* The final language for Section 1-15-5(D)(2) would then read: “If an Elected Official fails to file an updated campaign finance report by June 15th as required by this Paragraph, he or she shall *be subject to the penalties set forth in Utah Code 10-3-826 upon proof of a willful omission to fulfill his or her duty to file an updated campaign finance report.*”

2
3 **ORDINANCE NO. 20-44**

4
5 **AN ORDINANCE ADOPTING TITLE 1, CHAPTER 15 OF THE WEST**
6 **JORDAN CITY CODE REGARDING MUNICIPAL ELECTIONS**

7
8 WHEREAS, Utah Code Title 10, Chapter 3, Part 2 sets forth state law specific to municipal
9 elections;

10
11 WHEREAS, municipalities are not prohibited from enacting ordinances governing their
12 elections that is not inconsistent with state law; and

13
14 WHEREAS, the West Jordan City Council (“City Council”) desires to make certain
15 modifications to the West Jordan City Code (“City Code”) regarding the governance and
16 administration of city elections that are not inconsistent with state law; and

17
18 WHEREAS, the City Code currently has several provisions related to the governance and
19 administration of city elections that are spread out over numerous chapters and sections of the City
20 Code rather than codified in a single location; and

21
22 WHEREAS, the City Council desires to have all City Code provisions related to elections
23 located in a single Chapter of City Code; and

24
25 WHEREAS, the City Council finds it to be in the best interests of the health, safety, and
26 welfare of the City to adopt this ordinance.

27
28 NOW THEREFORE BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF WEST
29 JORDAN, UTAH AS FOLLOWS:

30
31 Section 1. Adoption. The West Jordan City Code is amended to adopt Title 1, Chapter 15 to read
32 as set forth in **Attachment A** of this ordinance (“Ordinance”).

33
34 Section 2. Repeal. The following portions of the West Jordan City Code are hereby repealed in their
35 entirety: (i) Section 1-6-3, (ii) Title 1, Chapter 6, Article A, (iii) Section 1-7-3, (iv)
36 Section 1-7-8, and (v) Section 1-8-4.

37
38 Section 3. Severable. This Ordinance shall be severable. If a court of competent jurisdiction finds
39 any specific provision of this Ordinance invalid on its face or in application, the
40 remainder of the Ordinance shall not be affected.

41
42 Section 5. Effective Date. This Ordinance shall become effective immediately upon posting or
43 publishing as required by law and either (i) the Mayor signing the Ordinance, (ii) the City
44 Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor
45 failing to sign or veto the ordinance within fifteen (15) days after the City Council
46 presents the Ordinance to him.

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48 *(Continued on the following page)*

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PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH THIS
18TH DAY OF NOVEMBER 2020.

CITY OF WEST JORDAN

By: _____
Christopher McConnehey
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES" **"NO"**

| | | |
|----------------------------------|--------------------------|--------------------------|
| Council Member Kelvin Green | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Zach Jacob | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Chad R. Lamb | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Chair Chris McConnehey | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member David Pack | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Kayleen Whitelock | <input type="checkbox"/> | <input type="checkbox"/> |
| Council Member Melissa Worthen | <input type="checkbox"/> | <input type="checkbox"/> |

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PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor's Action: _____ Approve _____ Veto

By: _____
Mayor Dirk Burton Date _____

ATTEST:

Tangee Sloan
City Recorder

STATEMENT OF APPROVAL OE PASSAGE (check one)

- _____ The Mayor approved and signed Ordinance No. 20-44.
- _____ The Mayor vetoed Ordinance No. 20-44 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.
- _____ Ordinance No. 20-44 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published/posted in the _____, on the _____ day of _____, 20_____, pursuant to law.

[SEAL]

Tangee Sloan
City Recorder

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ATTACHMENT A

**Chapter 15
ELECTIONS**

- 1-15-1: DEFINITIONS:
- 1-15-2: QUALIFICATION FOR OFFICE:
- 1-15-3: CAMPAIGN FUNDS
- 1-15-4: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES:
- 1-15-5: OATH OF OFFICE:
- 1-15-6: VACANCIES IN OFFICE:
- 1-15-7: FIDELITY BONDS OR INSURANCE:

1-15-1: DEFINITIONS

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise.

ANONYMOUS CONTRIBUTION LIMIT: A Contribution of less than \$50 during each calendar year.

CANDIDATE: Any person who:

- A. Files a declaration of candidacy for an elected office of the city;
- B. Received contributions, made expenditures or consents to another Person receiving contributions or making expenditures on their behalf with a view to bringing about such person's nomination for or election to a City elected office; or
- C. Causes on his behalf, any written material or advertisement to be printed, published, broadcasted, distributed or disseminated which indicates an intention to seek a specific City elected office.
- D. The Candidate and the Candidate's Personal Campaign Committee, if any, are considered separate entities from the individual.

CONTRIBUTION: Any of the following when done for Political Purposes:

- A. A gift, subscription, donation, loan, advance, transfer of funds, 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, forgivable or partially forgivable loan, advance, transfer of funds, or deposit of money or anything of value to a Candidate;
- C. Compensation paid by any person or Reporting Entity on behalf of the Candidate for personal services provided to the Candidate;
- D. A loan made by a Candidate to the Candidate's own campaign;
- E. An in-kind contribution;

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184 F. The Candidate’s use or Expenditure of Personal Funds in furtherance of his own campaign.

185
186 CONTRIBUTION does not include:

187
188 A. Non-professional volunteer services for which compensation is not customarily provided, such
189 as door-to-door or telephonic canvassing, provided by an individual on behalf of the Candidate if
190 the services are in fact provided without compensation by the Candidate or any other person;

191
192 B. Money lent to the candidate by a financial institution in the ordinary course of business;

193
194 C. Goods or services provided for the benefit of a Candidate at less than fair market value that
195 are not authorized by or coordinated with the Candidate. For purposes of this Paragraph,
196 “coordinated with” means the goods or services were provided: with the Candidate’s prior
197 knowledge, if the Candidate does not object by agreement with the Candidate; in coordination
198 with the Candidate; or using official logos, slogans, and similar elements belonging to a
199 Candidate.

200
201 ELECTION: A general, primary, or special election conducted by the City, including elections
202 limited to referendum or bond issues.

203
204 EXPENDITURE: Any of the following when done for Political Purposes:

205
206 A. Any disbursement from contributions, receipts, or from an account established by a campaign.

207
208 B. A purchase, payment, donation, distribution, Loan, transfer of funds, advance, or gift of money
209 or anything of value made by a Candidate or Reporting Entity to a Person;

210
211 C. An express, legally enforceable contract, promise, or agreement entered into by a Candidate
212 or other Reporting Entity that obligates him/it to make a purchase, payment, donation,
213 distribution, loan, advance, deposit, gift of money, transfer of funds, or anything of value to a
214 Person;

215
216 D Payment by a Candidate or other Reporting Entity for goods or personal services;

217
218 E. A transfer of funds by a Reporting Entity to another Reporting Entity.

219
220 F. A Candidate or Reporting Entity providing goods or services to or for the benefit of a
221 Candidate or Issue at less than fair market value.

222
223 G. The use or disbursement of Personal Funds in furtherance of a Candidate’s own campaign.

224
225 EXPENDITURE does not include:

226
227 A. Providing non-professional volunteer services for which compensation is not customarily
228 provided, such as door-to-door or telephonic canvassing, when compensation is in fact not
229 provided; or

230
231 B. Money lent to a Candidate by a financial institution in the ordinary course of business.

232
233 IN-KIND CONTRIBUTION: A contribution to a Candidate or Reporting Entity of anything of value,
234 other than money, that is accepted by or coordinated with a Candidate or Reporting Entity.

235

236 ISSUE: Any question, other than the election of a candidate to city elected office, placed upon any
237 municipal ballot to be affirmed or defeated by popular vote including, but not limited to, bond issues
238 and referendums.

239
240 LOANS: Anything of value provided by a Person that benefits a Candidate or Reporting Entity if the
241 person expects repayment or reimbursement at a later date, including but not limited to: an
242 expenditure made using any form of payment; money or funds received by the Candidate or
243 Reporting entity, the provision of a good or service with an agreement or understanding that
244 payment or reimbursement will be delayed; or use of any personal line of credit, including personal
245 credit cards.

246
247 PERSON: Both natural and legal persons, including, but not limited to, corporations, partnerships,
248 trusts, other business organizations, personal campaign committees, party committees, labor
249 unions, labor organizations and any other organized group of individuals.

250
251 PERSONAL CAMPAIGN COMMITTEE: The political committee appointed by a particular
252 candidate to act for such candidate, as provided in this article.

253
254 PERSONAL FUNDS: Funds originating from a financial account that is unassociated with a
255 campaign and is owned either exclusively or jointly by a Candidate that do not amount to a Loan.
256 Payments made from a jointly owned financial accounts are attributed to the party who signed the
257 check unless the check is signed by all parties on the check or a signed statement is provided that
258 indicates the specific allocation attributable to each person owing the account. Funds that are not
259 transferred by a check (e.g. cash, debit card, electronic transfer) are attributable to the Candidate
260 unless a signed statement is provided indicating a different allocation to each person owing the
261 account.

262
263 POLITICAL PURPOSE: An act done with intent or in such a way as to influence or tend to
264 influence, directly or indirectly, the election of a Candidate or result of an Issue on the ballot for a
265 municipal election.

266
267 PRIMARY ELECTION: Any primary election held pursuant to Utah Code Annotated title 20A, or its
268 successor, and/or any election held prior to the general election as provided by Utah Code
269 Annotated title 20A, or its successor provisions.

270
271 REPORTING ENTITY: means a Candidate; a Personal Campaign Committee; a person who holds
272 an elected municipal office; a political action committee, a political issues committee, or a labor
273 organization.

274 REPORTING PERIOD: The period between the closing date of the last filed campaign finance
275 report required, if any, and the reporting deadline for the next campaign finance report required to
276 be filed under City Code § 1-15-4.

277
278 **1-15-2: QUALIFICATION FOR OFFICE**

279 **A. Qualifications for All Candidates:**

280 1. A Candidate must be a registered voter who has resided within the city for a period of twelve
281 (12) consecutive months immediately preceding the date of the general election.

282 a. In case of an annexation, any person who has resided within the territory
283 annexed for the prescribed twelve (12) month period is deemed to meet the
284 residence requirement for candidacy.

- 285 2. Candidates to be voted for at all municipal elections in the city shall be elected in an election
286 administered consistent with Utah Code Title 20A, Chapter 5, with amendments and
287 modifications as are appropriate for a municipal election.
- 288 B. Qualifications for Mayor: There are no additional qualifications for Mayor other than the
289 requirements listed in 1-15-2(A).
- 290 C. Qualifications for City Council:
- 291 1. Election to Council Seats:
- 292 a. Three (3) city council members shall be elected in a city wide at-large election. All
293 registered voters residing in the city may vote for at-large city council candidates. The at-
294 large council members must be qualified electors residing in the city. The three (3) at-
295 large council member seats shall be filled by the three (3) candidates receiving the
296 highest, second highest, and third highest number of votes in the election in which all
297 candidates are running against all other candidates for the at large seats.
- 298 b. Four (4) city council members shall be elected from council districts that are substantially
299 equal in population. To vote for a "districted" council candidate, a registered voter must
300 be a resident of the council district for which the candidate is running. To be elected from
301 a council district, the Candidate must be a qualified elector residing in the council district
302 for which they are running at the time of declaration of candidacy and through the
303 completion of the elected term. If the candidate for a districted council seat ceases to be
304 a qualified elector residing in council district he is running for before the primary or
305 general election, the city recorder shall inform the appropriate election official that the
306 candidate has been disqualified. The election official shall thereafter: (i) remove the
307 candidate's name from the ballot if practicable by blacking out the candidate's name
308 before the ballots are delivered to voters or (ii) if removing the candidates name is not
309 possible, inform the voters by any practicable method that the candidate has been
310 disqualified and that votes cast for the candidate will not be counted, and (iii) not count
311 any votes for the disqualified candidate.
- 312 c. A candidate's name may not appear on the ballot for more than one City elected office in
313 the same election.
- 314 2. Time of Elections:
- 315 a. The three (3) at-large council seats shall be elected for four (4) year terms of office
316 during the regular municipal election in November 2021, and each fourth year thereafter.
- 317 b. The four (4) districted council seats shall be elected for four (4) year terms of office.
318 during the regular municipal election in November 2019, and each fourth year thereafter.
- 319 D. Council District Boundaries:
- 320 1. The boundaries of the council districts shall be approved by a resolution in a city council
321 meeting, with each council district including specifically listed voting precincts of Salt Lake
322 County.
- 323 2. In 2021, 2023, and in each succeeding fourth year thereafter, or as otherwise required by
324 law, subject to any necessary approval by Salt Lake County council to the division or
325 adjustment of any voting precincts located within the city boundaries, the city recorder shall
326 submit for city council approval council district boundaries to be realigned, if necessary.
- 327 a. The city council shall designate, by resolution, the council districts that are substantially
328 equal in population for the districted council members to be elected from.

329 b. In determining the boundaries of council districts, the city council shall not divide any
330 given county voting precinct between two (2) council districts.

331 c. The boundaries of the council districts shall not be changed frivolously or arbitrarily, but
332 only for the purpose of assuring that the council districts are contiguous, compact, and
333 substantially equal in population.

334 E. Term of Office: The Mayor and Members of the City Council, unless otherwise set forth by law,
335 shall begin their terms of office at 12 noon on the first Monday in January following their
336 election.

337
338 F. Primary Election: If the number of Candidates for a specific elected office exceeds twice the
339 number of individuals needed to fill the office, the City will hold a Primary Election in
340 accordance with Utah Code § 20A-9-404 to reduce the candidate field for the General Election
341 to two times the number of individuals needed to fill the elected office. The candidates with the
342 highest vote totals shall move forward to the General Election. If there are fewer than two
343 times the number of Candidates for a specific elected office, a Primary Election shall not be
344 held for that elected office.

345
346 **1-15-3: CAMPAIGN FUNDS**

347
348 A. Candidates must establish a separate campaign account at a financial institution and may not
349 deposit or co-mingle any Contributions into any personal or business account.

350
351 B. Campaign Funds cannot be spent for a Candidates or Candidate’s family’s personal use. If an
352 expenditure is not related to a campaign or officeholder’s duties but rather benefits the
353 candidate or candidate’s family, the expenditure is prohibited.

354 C. Payments made from joint accounts are attributed to the party who signed the check unless the
355 check is signed by all parties on the check or a signed statement is provided that indicates the
356 specific allocation to each person owing the account. Funds that are not transferred by a check
357 (e.g. cash, debit card, electronic transfer) are attributable to the Candidate unless a signed
358 statement is provided indicating a different allocation to each person owing the account.

359 D. Candidates may not use a campaign contribution if it is from an anonymous source and greater
360 than \$50. If a Candidate receives an anonymous contribution greater than \$50, the Candidate
361 must gift the money to the state, county, city, or a non-profit 501(c)(3) organization within 30
362 days of receiving the contribution.

363 **1-15-4: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES:**

364
365 A. Disclosure Duty: Each candidate for elected municipal office shall report financial contributions
366 and expenditures in full compliance with this code, Utah code section 10-3-208, and title 20A,
367 chapter 11, or their successor provisions. If the City adopts stricter disclosure requirements
368 than Utah Code the disclosure requirements of this Chapter shall apply.

369 B. Report Filing: The filings required by this section shall be made with the city recorder. The
370 statements so filed shall be public records.

371 C. Campaign Finance Reports:

372 1. Campaign finance reports shall detail accurately and completely the information required
373 concerning contributions and expenditures.

- 374 2. Campaign finance reports shall identify the amount of each contribution, regardless of
375 amount, and the name of the contributor, if known. The monetary value of in-kind
376 contributions should be estimated.
- 377 3. Campaign finance reports shall identify each expenditure, regardless of amount, and the
378 name of the recipient of the expenditure.
- 379 4. Campaign finance reports shall identify any anonymous donations. Campaign finance
380 reports must include a statement of the date of transfer to state, county, city, or a non-profit
381 501(c)(3) organization and identify the organization funds were transferred to on any
382 anonymous contributions greater than \$50.00 as an Expenditure.

383 D. Current Elected Officials: Current elected officials must submit an updated campaign finance
384 report no later than June 15th each year in office to disclose campaign contributions and
385 expenditures made or received since the immediately prior Reporting Period.

- 386 1. If an Elected Official does not seek re-election the last campaign finance report filed will be
387 marked as TERMINATED to indicate that campaigning has ceased and that no further
388 campaign finance reports will be filed.
- 389 2. If an Elected Official fails to file an updated campaign finance report by June 15th as
390 required by this Paragraph, he or she shall _____.

391 E. Campaign finance reports shall include a statement certifying that:

- 392 1. All contributions and expenditures not previously reported have been reported.
- 393 2. There are no bills or obligations outstanding and unpaid except as set forth in the campaign
394 finance report.
- 395 3. The campaign finance report represents a good faith effort by the candidate to comply with
396 West Jordan City Ordinance and Utah State Law.
- 397 4. The information contained in the campaign finance report is, to the best of the Candidate or
398 Reporting Entity's knowledge, true, accurate, and complete.

399 F. City Recorder Notifications:

- 400 1. The City Recorder shall notify each candidate for municipal office upon declaration of
401 candidacy and again 14 days before each municipal election, of the provisions of this
402 ordinance and Utah law that govern disclosure of contributions, expenditures, and the
403 penalties for failing to file a campaign finance report, including the statutory provisions that
404 require the removal of the candidate's name from the ballot for failure to file required
405 campaign finance reports.
- 406 2. The City Recorder shall notify all elected officials of their obligation to file an annual
407 updated campaign finance report by June 15th as required by this section and the penalties
408 for failing to do so at least 14 days but no more than 21 days before such campaign finance
409 report is due.

410 **1-15-5: OATH OF OFFICE:**

411

412 A. Oath Required: Prior to assuming their official duties the mayor and each council member shall
413 take and subscribe the oath of office designated in subsection B of this section.

414 B. Oath Provisions: The oath of office shall be:

415
416 *I, _____, do solemnly swear (or affirm) that I will support, obey and defend the*
417 *constitution of the United States and the constitution of the state of Utah and the laws and*
418 *ordinances of the City of West Jordan, and that I will discharge the duties of my office with*
419 *fidelity.*

420 C. Filing: The subscribed oath of all officers shall be filed with the city recorder.

421 D. No official act of any municipal officer shall be invalid for failure to take the oath of office.

422 **1-15-6: VACANCIES IN OFFICE:**

423
424 A. If a vacancy occurs in the Office of Mayor or on the City Council, through death, resignation,
425 termination of required domicile, judicial removal from office, or due to becoming disabled and
426 unable to perform the duties of the office, the City Council will appoint a registered voter who
427 meets the qualifications of office by following the process in Utah Code 20A-1-510 or successor
428 provisions.

429
430 B. In the case of a vacancy in the Office of the Mayor, the council chair will serve as acting mayor
431 until a successor mayor is appointed. The council vice-chair shall be the acting council chair. The
432 council chair will, however, continue to act as a council member and continue to vote at council
433 meetings.

434
435 **1-15-7: FIDELITY BONDS OR INSURANCE:**

436
437 A. Fidelity bonds and theft or crime insurance: The city shall have in place for each municipal
438 officer prior to assuming office, a bond or insurance in accordance with Utah Code 10-3-831 or
439 successor provisions.

440 1. Municipal Officer means:

- 441 a. The Mayor
- 442 b. Each member of the City Council
- 443 c. The City Treasurer
- 444 d. Anyone for whom the City Council determines a general fidelity or public employee
- 445 blanket bond or theft, or crime insurance should be acquired.

446 2. Amount of the Bonds

447 a. Except as provided in Subsection (2)(b), the City Council shall prescribe the amount of a
448 general fidelity bond or theft or crime insurance to be acquired for the municipal officer in
449 accordance with Utah Code 10-3-831 or successor provisions.

450 b. Before the City Treasurer may discharge the duties of the treasurer’s office, the City shall
451 have in place a bond or theft or crime insurance covering the Treasurer in an amount not
452 less than the amount the State Money Management Council, created in Utah Code § 51-
453 7-16, prescribes.

- 454 B. Blanket Bond or Insurance: Any bond or insurance required by law or approved by the city
455 council may be provided and the obligation satisfied by the city obtaining a public employee
456 blanket bond, through an insurance contract, or by another legally identified and authorized
457 method of insuring the city's interests.
- 458 C. Cost of Bond or Insurance: The premium for any bond or insurance contract obtained pursuant
459 to this section shall be paid by the city.
- 460 D. The city recorder shall file and maintain each fidelity bond acquired under this section

1 **EXHIBIT 1 to the Request for Council Action**

2 **Chapter 15**
3 **ELECTIONS**

4 1-15-1: DEFINITIONS:

5 1-15-2: QUALIFICATION FOR OFFICE:

6 1-15-3: CAMPAIGN ~~DONATIONS~~FUNDS

7 1-15-4: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES:

8 1-15-5: OATH OF OFFICE:

9 1-15-6: VACANCIES IN OFFICE:

10 1-15-7: FIDELITY BONDS OR INSURANCE:

11
12
13 **1-15-1: DEFINITIONS**

14
15 The following words, terms, and phrases, when used in this article, shall have the meanings
16 ascribed to them in this section, except where the context clearly indicates otherwise.

17
18 ANONYMOUS CONTRIBUTION LIMIT: A Contribution of less than \$50 during each calendar
19 year.

20
21 CANDIDATE: Any person who:

22
23 A. Files a declaration of candidacy for an elected office of the city;

24
25 B. Received contributions, made expenditures or consents to another Person receiving
26 contributions or making expenditures on their behalf with a view to bringing about such
27 person's nomination for or election to a City elected office; or

28
29 C. Causes on his behalf, any written material or advertisement to be printed, published,
30 broadcasted, distributed or disseminated which indicates an intention to seek a specific City
31 elected office.

32
33 D. The Candidate and the Candidate's Personal Campaign Committee, if any, are considered
34 separate entities from the individual.

35
36 CONTRIBUTION: Any of the following when done for Political Purposes:

37
38 A. A gift, subscription, donation, loan, advance, transfer of funds, or deposit of money or
39 anything of value given to a Candidate;

40
41 B. An express, legally enforceable contract, promise, or agreement to make a gift,
42 subscription, donation, forgivable or partially forgivable loan, advance, transfer of funds, or
43 deposit of money or anything of value to a Candidate;

44
45 C. Compensation paid by any person or Reporting Entity on behalf of the Candidate for
46 personal services provided to the Candidate;

47

- 48 D. A loan made by a Candidate to the Candidate's own campaign;
49
50 E. An in-kind contribution;
51
52 F. The Candidate's use or Expenditure of Personal Funds in furtherance of his own campaign.
53

54 CONTRIBUTION does not include:

- 55
56 A. Non-professional volunteer services for which compensation is not customarily provided,
57 such as door-to-door or telephonic canvassing, provided by an individual on behalf of the
58 Candidate if the services are in fact provided without compensation by the Candidate or any
59 other person;
60
61 B. Money lent to the candidate by a financial institution in the ordinary course of business;
62
63 C. Goods or services provided for the benefit of a Candidate at less than fair market value that
64 are not authorized by or coordinated with the Candidate. For purposes of this Paragraph,
65 "coordinated with" means the goods or services were provided: with the Candidate's prior
66 knowledge, if the Candidate does not object by agreement with the Candidate; in coordination
67 with the Candidate; or using official logos, slogans, and similar elements belonging to a
68 Candidate.

69
70 ELECTION: A general, primary, or special election conducted by the City, including elections
71 limited to referendum or bond issues.

72
73 EXPENDITURE: Any of the following when done for Political Purposes:

- 74
75 A. Any disbursement from contributions, receipts, or from an account established by a
76 campaign.
77
78 B. A purchase, payment, donation, distribution, Loan, transfer of funds, advance, or gift of
79 money or anything of value made by a Candidate or Reporting Entity to a Person;
80
81 C. An express, legally enforceable contract, promise, or agreement entered into by a
82 Candidate or other Reporting Entity that obligates him/it to make a purchase, payment,
83 donation, distribution, loan, advance, deposit, gift of money, transfer of funds, or anything of
84 value to a Person;
85
86 D Payment by a Candidate or other Reporting Entity for goods or personal services;
87
88 E. A transfer of funds by a Reporting Entity to another Reporting Entity.
89
90 F. A Candidate or Reporting Entity providing goods or services to or for the benefit of a
91 Candidate or Issue at less than fair market value.
92
93 G. The use or disbursement of Personal Funds in furtherance of a Candidate's own campaign.

94
95 EXPENDITURE does not include:
96

97 A. Providing non-professional volunteer services for which compensation is not customarily
98 provided, such as door-to-door or telephonic canvassing, when compensation is in fact not
99 provided; or

100
101 B. Money lent to a Candidate by a financial institution in the ordinary course of business.
102

103 IN-KIND CONTRIBUTION: A contribution to a Candidate or Reporting Entity of anything of
104 value, other than money, that is accepted by or coordinated with a Candidate or Reporting
105 Entity.

106
107 ISSUE: Any question, other than the election of a candidate to city elected office, placed upon
108 any municipal ballot to be affirmed or defeated by popular vote including, but not limited to, bond
109 issues and referendums.

110
111 LOANS: Anything of value provided by a Person that benefits a Candidate or Reporting Entity if
112 the person expects repayment or reimbursement at a later date, including but not limited to: an
113 expenditure made using any form of payment; money or funds received by the Candidate or
114 Reporting entity, the provision of a good or service with an agreement or understanding that
115 payment or reimbursement will be delayed; or use of any personal line of credit, including
116 personal credit cards.

117
118 PERSON: Both natural and legal persons, including, but not limited to, corporations,
119 partnerships, trusts, other business organizations, personal campaign committees, party
120 committees, labor unions, labor organizations and any other organized group of individuals.

121
122 PERSONAL CAMPAIGN COMMITTEE: The political committee appointed by a particular
123 candidate to act for such candidate, as provided in this article.

124
125 PERSONAL FUNDS: Funds originating from a financial account that is unassociated with a
126 campaign and is owned either exclusively or jointly by a Candidate that do not amount to a
127 Loan. Payments made from a jointly owned financial accounts are attributed to the party who
128 signed the check unless the check is signed by all parties on the check or a signed statement is
129 provided that indicates the specific allocation attributable to each person owing the account.
130 Funds that are not transferred by a check (e.g. cash, debit card, electronic transfer) are
131 attributable to the Candidate unless a signed statement is provided indicating a different
132 allocation to each person owing the account.

133
134 POLITICAL PURPOSE: An act done with intent or in such a way as to influence or tend to
135 influence, directly or indirectly, the election of a Candidate or result of an Issue on the ballot for
136 a municipal election.

137
138 PRIMARY ELECTION: Any primary election held pursuant to Utah Code Annotated title 20A, or
139 its successor, and/or any election held prior to the general election as provided by Utah Code
140 Annotated title 20A, or its successor provisions.

141
142 REPORTING ENTITY: means a Candidate; a Personal Campaign Committee; a person who
143 holds an elected municipal office; a political action committee, a political issues committee, or a
144 labor organization.

145 REPORTING PERIOD: The period ~~since-between~~ the closing date of the last filed ~~financial~~
146 ~~statement~~campaign finance report required, if any, and the ~~reporting deadline for-closing-date-of~~

147 ~~a financial statement~~ the next campaign finance report required to be filed under City Code § 1-
148 15-4.

149
150

1-15-2: QUALIFICATION FOR OFFICE

151 A. Qualifications for All Candidates:

152 1. A Candidate must be a registered voter who has resided within the city for a period of
153 twelve (12) consecutive months immediately preceding the date of the general election.

154 a. In case of an annexation, any person who has resided within the territory
155 annexed for the prescribed twelve (12) month period is deemed to meet the
156 residence requirement for candidacy.

157 2. Candidates to be voted for at all municipal elections in the city shall be elected in an
158 election administered consistent with Utah Code Title 20A, Chapter 5, with amendments and
159 modifications as are appropriate for a municipal election.

160 B. Qualifications for Mayor: There are no additional qualifications for Mayor other than the
161 requirements listed in 1-15-2(A).

162 C. Qualifications for City Council:

163 1. Election to Council Seats:

164 a. Three (3) city council members shall be elected in a city wide at-large election. All
165 registered voters residing in the city may vote for at-large city council candidates. The
166 at-large council members must be qualified electors residing in the city. The three (3)
167 at-large council member seats shall be filled by the three (3) candidates receiving the
168 highest, second highest, and third highest number of votes in the election in which all
169 candidates are running against all other candidates for the at large seats.

170 b. Four (4) city council members shall be elected from council districts that are
171 substantially equal in population. To vote for a "districted" council candidate, a
172 registered voter must be a resident of the council district for which the candidate is
173 running. To be elected from a council district, the Candidate must be a qualified
174 elector residing in the council district for which they are running at the time of
175 declaration of candidacy and through the completion of the elected term. If the
176 candidate for a districted council seat ceases to be a qualified elector residing in
177 council district he is running for before the primary or general election, the city
178 recorder shall inform the appropriate election official that the candidate has been
179 disqualified. The election official shall thereafter: (i) remove the candidate's name
180 from the ballot if practicable by blacking out the candidate's name before the ballots
181 are delivered to voters or (ii) if removing the candidates name is not possible, inform
182 the voters by any practicable method that the candidate has been disqualified and
183 that votes cast for the candidate will not be counted, and (iii) not count any votes for
184 the disqualified candidate.

185 c. A candidate's name may not appear on the ballot for more than one City elected
186 office in the same election.

- 187 2. Time of Elections:
- 188 a. The three (3) at-large council seats shall be elected for four (4) year terms of office
- 189 during the regular municipal election in November 2021, and each fourth year
- 190 thereafter.
- 191 b. The four (4) districted council seats shall be elected for four (4) year terms of office.
- 192 during the regular municipal election in November 2019, and each fourth year
- 193 thereafter.
- 194 D. Council District Boundaries:
- 195 1. The boundaries of the council districts shall be approved by a resolution in a city council
- 196 meeting, with each council district including specifically listed voting precincts of Salt
- 197 Lake County.
- 198 2. In 2021, 2023, and in each succeeding fourth year thereafter, or as otherwise required
- 199 by law, subject to any necessary approval by Salt Lake County council to the division or
- 200 adjustment of any voting precincts located within the city boundaries, the city recorder
- 201 shall submit for city council approval council district boundaries to be realigned, if
- 202 necessary.
- 203 a. The city council shall designate, by resolution, the council districts that are
- 204 substantially equal in population for the districted council members to be elected from.
- 205 b. In determining the boundaries of council districts, the city council shall not divide any
- 206 given county voting precinct between two (2) council districts.
- 207 c. The boundaries of the council districts shall not be changed frivolously or arbitrarily,
- 208 but only for the purpose of assuring that the council districts are contiguous, compact,
- 209 and substantially equal in population.
- 210 E. Term of Office: The Mayor and Members of the City Council, unless otherwise set forth by
- 211 law, shall begin their terms of office at 12 noon on the first Monday in January following their
- 212 election.

213

214 F. Primary Election: If the number of Candidates for a specific elected office exceeds twice the

215 number of individuals needed to fill the office, the City will hold a Primary Election in

216 accordance with Utah Code § 20A-9-404 to reduce the candidate field for the General

217 Election to two times the number of individuals needed to fill the elected office. The

218 candidates with the highest vote totals shall move forward to the General Election. If there

219 are fewer than two times the number of Candidates for a specific elected office, a Primary

220 Election shall not be held for that elected office.

221

222 **1-15-3: CAMPAIGN DONATIONSFUNDS**

- 223
- 224 A. Candidates must establish a separate campaign account at a financial institution and may
- 225 not deposit or co-mingle any Contributions into any personal or business account.
- 226
- 227 B. Campaign Funds cannot be spent for a Candidates or Candidate’s family’s personal use. If
- 228 an expenditure is not related to a campaign or officeholder’s duties but rather benefits the
- 229 candidate or candidate’s family, the expenditure is prohibited.

230 C. Payments made from joint accounts are attributed to the party who signed the check unless
231 the check is signed by all parties on the check or a signed statement is provided that
232 indicates the specific allocation to each person owing the account. Funds that are not
233 transferred by a check (e.g. cash, debit card, electronic transfer) are attributable to the
234 Candidate unless a signed statement is provided indicating a different allocation to each
235 person owing the account.

236 D. Candidates may not use a campaign contribution if it is from an anonymous source and
237 greater than \$50. If a Candidate receives an anonymous contribution greater than \$50, the
238 Candidate must gift the money to the state, county, city, or a non-profit 501(c)(3)
239 organization within 30 days of receiving the contribution.

240 **1-15-4: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES:**

241

242 A. Disclosure Duty: Each candidate for elected municipal office shall report financial
243 contributions and expenditures in full compliance with this code, Utah code section 10-3-
244 208, and title 20A, chapter 11, or their successor provisions. If the City adopts stricter
245 disclosure requirements than Utah Code the disclosure requirements of this Chapter shall
246 apply.

247 B. Report Filing: The filings required by this section shall be made with the city recorder. The
248 statements so filed shall be public records.

249 C. Campaign Finance Reports:

250 1. Campaign finance reports shall detail accurately and completely the information required
251 concerning contributions and expenditures.

252 2. Campaign finance reports shall identify the amount of each contribution, regardless of
253 amount, and the name of the contributor, if known. The monetary value of in-kind
254 contributions should be estimated.

255 3. Campaign finance reports shall identify each expenditure, regardless of amount, and the
256 name of the recipient of the expenditure.

257 4. Campaign finance reports shall identify any anonymous donations. Campaign finance
258 reports must include a statement of the date of transfer to state, county, city, or a non-
259 profit 501(c)(3) organization and identify the organization funds were transferred to on
260 any anonymous contributions greater than \$50.00 as an Expenditure.

261 D. Current Elected Officials: Current elected officials must submit an updated campaign finance
262 report no later than June 15th each year in office to disclose any ongoing campaign
263 contributions and expenditures made or received since the immediately prior Reporting
264 Period.

265 1. If an Elected Official does not seek re-election the last campaign finance report filed will
266 be marked as TERMINATED to indicate that campaigning has ceased and that no
267 further campaign finance reports will be filed.

268 2. If an Elected Official fails to file an updated campaign finance report by June 15th as
269 required by this Paragraph, he or she shall _____.

270 E. Campaign finance ~~reports~~ ~~Statements~~ shall include a statement certifying that:

- 271 1. All contributions and expenditures not previously reported have been reported.
- 272 2. There are no bills or obligations outstanding and unpaid except as set forth in the
273 campaign finance report.
- 274 3. The campaign finance report represents a good faith effort by the candidate to comply
275 with West Jordan City Ordinance and Utah State Law.
- 276 4. The information contained in the campaign finance report is, to the best of the Candidate
277 or Reporting Entity's knowledge, true, accurate, and complete.

278 F. ~~Candidate~~ City Recorder Notifications:

279 1. The City Recorder ~~will~~ shall notify each candidate for municipal office upon declaration of
280 candidacy and again 14 days before each municipal election, of the provisions of this
281 ordinance and Utah law that govern disclosure of contributions, expenditures, and the
282 penalties for failing to file a campaign finance report, including the statutory provisions
283 that require the removal of the candidate's name from the ballot for failure to file required
284 campaign finance reports.

285 2. The City Recorder shall notify all elected officials of their obligation to file an annual
286 updated campaign finance report by June 15th as required by this section and the
287 penalties for failing to do so at least 14 days but no more than 21 days before such
288 campaign finance report is due.

289 **1-15-5: OATH OF OFFICE:**

290

291 A. Oath Required: Prior to assuming their official duties the mayor and each council member
292 shall take and subscribe the oath of office designated in subsection B of this section.

293 B. Oath Provisions: The oath of office shall be:

294

295 *I, _____, do solemnly swear (or affirm) that I will support, obey and defend the*
296 *constitution of the United States and the constitution of the state of Utah and the laws and*
297 *ordinances of the City of West Jordan, and that I will discharge the duties of my office with*
298 *fidelity.*

299 C. Filing: The subscribed oath of all officers shall be filed with the city recorder.

300 D. No official act of any municipal officer shall be invalid for failure to take the oath of office.

301 **1-15-6: VACANCIES IN OFFICE:**

302

303 A. If a vacancy occurs in the Office of Mayor or on the City Council, through death, resignation,
304 termination of required domicile, judicial removal from office, or due to becoming disabled and
305 unable to perform the duties of the office, the City Council will appoint a registered voter who
306 meets the qualifications of office by following the process in Utah Code 20A-1-510 or successor
307 provisions.

308
309 B. In the case of a vacancy in the Office of the Mayor, the council chair will serve as acting
310 mayor until a successor mayor is appointed. The council vice-chair shall be the acting council
311 chair. The council chair will, however, continue to act as a council member and continue to vote
312 at council meetings.

313
314 **1-15-7: FIDELITY BONDS OR INSURANCE:**
315

316 A. Fidelity bonds and theft or crime insurance: The city shall have in place for each municipal
317 officer prior to assuming office, a bond or insurance in accordance with Utah Code 10-3-831
318 or successor provisions.

319 1. Municipal Officer means:

320 a. The Mayor

321 b. Each member of the City Council

322 c. The City Treasurer

323 d. Anyone for whom the City Council determines a general fidelity or public employee
324 blanket bond or theft, or crime insurance should be acquired.

325 2. Amount of the Bonds

326 a. Except as provided in Subsection (2)(b), the City Council shall prescribe the amount
327 of a general fidelity bond or theft or crime insurance to be acquired for the municipal
328 officer in accordance with Utah Code 10-3-831 or successor provisions.

329 b. Before the City Treasurer may discharge the duties of the treasurer's office, the City
330 shall have in place a bond or theft or crime insurance covering the Treasurer in an
331 amount not less than the amount the State Money Management Council, created in
332 Utah Code § 51-7-16, prescribes.

333 B. Blanket Bond or Insurance: Any bond or insurance required by law or approved by the city
334 council may be provided and the obligation satisfied by the city obtaining a public employee
335 blanket bond, through an insurance contract, or by another legally identified and authorized
336 method of insuring the city's interests.

337 C. Cost of Bond or Insurance: The premium for any bond or insurance contract obtained
338 pursuant to this section shall be paid by the city.

339 D. The city recorder shall file and maintain each fidelity bond acquired under this section.

EXHIBIT 2 to the Request for Council Action

CODE BEING REPEALED

1-6-3: ELECTION:

A. Election to Council Seats: Three (3) of the council members shall be elected in an at large election, and all qualified electors residing in the city may vote for candidates for at large council members. The at large council members must be qualified electors residing in the city. The four (4) remaining council members shall be elected from council districts that are substantially equal in population. To be elected from the council district, the council member must be a qualified elector residing in the council district at the time of declaration of candidacy and through the completion of the elected term. To vote for the "districted" council candidate, the voter must be a resident of the council district in which the candidate resides. Each council candidate shall be a registered voter and shall be a resident of the city for a period of twelve (12) consecutive months immediately preceding the date of the general election.

B. Time of Elections: The three (3) at large council seats shall be elected prior to the change of government effective date, and during the regular municipal election in November 2021, and each fourth year thereafter, for four (4) year terms of office beginning on the first Monday of January following the municipal election. The districted council seats shall be elected during the regular municipal election in November 2019, and each fourth year thereafter, for four (4) year terms of office beginning on the first Monday of January following the municipal election.

C. Council District Boundaries:

1. The boundaries of the council districts shall be approved by a resolution in a city council meeting, with each council district including specifically listed voting precincts of Salt Lake County.

2. In 2021, 2023, and in each succeeding fourth year thereafter, or as otherwise required by law, and upon any Salt Lake County council approval of the division or adjustment of any voting precincts located within the city boundaries, the city recorder shall submit for city council approval council district boundaries to be realigned, if necessary. The city council shall designate, by resolution, the council districts that are substantially equal in population for the council members to be elected from council districts. In determining the boundaries of council districts, the city council shall not divide any given county voting precinct between two (2) council districts. The boundaries of the council districts shall not be changed frivolously or arbitrarily, but only for the purpose of assuring that the council districts are contiguous, compact, and substantially equal in population.

D. General Requirements: Candidates to be voted for at all municipal elections in the city shall be elected in accordance with the provisions of Utah Code Annotated section 20A-5-101 et seq., with the amendments and modifications as are appropriate for a municipal election. If the candidate for a districted council seat should, prior to the election, cease to be a qualified elector residing in that council district, the city recorder shall remove that candidate's name from the ballot. A candidate's name may not appear on the ballot for a districted council seat and an at large council seat in the same election. Likewise, a candidate's name may not appear on the ballot for a council seat and mayor in the same election. The three (3) at large council member seats shall be filled by the three (3) candidates receiving the highest, second highest, and third highest number of votes in the election in which all candidates are running against all other candidates for the at large seats.

E. Term of Office: Members of the city council, unless otherwise set forth by law, shall begin their terms of office at 12 noon on the first Monday in January following their election.

F. Additional Criteria: See article A in this chapter for additional information concerning council candidates and newly elected council members. (2001 Code § 2-3-103; amd. Ord. 11-12, 6-22-2011; Ord. 13-18, 5-8-2013; Ord. 13-24, 7-31-2013; Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020)

ARTICLE A. COUNCIL CANDIDATES AND NEWLY ELECTED COUNCIL MEMBERS

SECTION:

1-6A-1: Definitions

1-6A-2: Qualifications

1-6A-3: Reserved

1-6A-4: Vacancies In Office

1-6A-5: Fidelity Bonds Or Insurance

1-6A-6: Oath Of Office

1-6A-7: Disclosure Of Campaign Contributions

1-6A-8: Political Action Committees And Political Issue Committees

1-6A-1: DEFINITIONS:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CANDIDATE:

Any person who:

- A. Files a declaration of candidacy for an elected office of the city;
- B. 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
- C. Causes on his behalf, any written material or advertisement to be printed, published, broadcasted, distributed or disseminated which indicates an intention to seek such office.

CONTRIBUTION:

- A. A gift, subscription, loan, advance or deposit of money or anything of value, except a loan of money by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business;
- B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;
- C. A transfer of funds between a political committee and a candidate's personal campaign committee; and
- D. A payment for the personal services of another person by a person other than the candidate's personal campaign committee for services rendered to the candidate or such candidate's personal campaign committee.

The term "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.

ELECTION: A general, special or primary election conducted by the city or any of its political subdivisions, including elections limited to referendum or bond issues.

EXPENDITURE: A. A purchase, payment distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate or the outcome of any issue on any city ballot;

B. A contract, promise or agreement, express or implied, and whether or not legally enforceable, to make any expenditure; or

C. A transfer of funds by a political committee to another political committee, or to a candidate's personal campaign committee.

ISSUE: Any question, other than the election of a candidate to city office, placed upon any municipal ballot to be affirmed or defeated by popular vote and includes, but is not limited to, bond issues and referendums.

PERSON: Both natural and legal persons, including, but not limited to, corporations, partnerships, trusts, other business organizations, personal campaign committees, party committees, labor unions, labor organizations and any other organized group of individuals.

PERSONAL CAMPAIGN COMMITTEE: The political committee appointed by a particular candidate to act for such candidate, as provided in this article.

POLITICAL ACTION COMMITTEE: A person or group of persons cooperating to aid or promote the success or defeat of a candidate or issue, including the making of a donation to a personal campaign committee.

POLITICAL ISSUE COMMITTEE: A person or group of persons working and/or cooperating to aid or promote the success or defeat of an issue affecting the city, as a whole or any part thereof.

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 any issue on the ballot at a municipal election.

PRIMARY ELECTION: Any primary election held pursuant to Utah Code Annotated title 20A, or its successor, and/or any election held prior to the general election as provided by Utah Code Annotated title 20A, or its successor provisions.

REPORTING PERIOD: The period since the closing date of the last filed financial statement, if any, and the closing date of a financial statement to be filed. (2001 Code § 2-4-201; amd. 2009 Code; Ord. 14-05, 2-12-

2014; §1-7A-1, Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020)

1-6A-2: QUALIFICATIONS:

A. At Large Positions: Elected officers serving in at large positions shall be elected by the registered voters of the city.

B. Council District Positions: Elected officers serving in districted council positions shall be elected by the registered voters of the council district in which they reside.

C. Candidate Qualifications (General): Any person who is a registered voter may be a candidate and hold office if the person has resided within the city for a period of twelve (12) consecutive months immediately preceding the date of election. (See also section 1-6-3).

D. Annexation: In case of an annexation, any person who has resided within the territory annexed for the prescribed twelve (12) month period is deemed to meet the residence requirement for candidacy in the city and council district (if applicable) to which the territory was annexed.

E. Candidate Qualifications (District Positions): In order to be a candidate for a districted seat on the city council, the candidate must be a resident of the council district when filing for office. (2001 Code § 2-4-202; amd. Ord. 15-06, 2-25-2015; §1-7A-2, Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020)

1-6A-3: RESERVED:

(2001 Code § 2-4-203; amd. 2009 Code; Ord. 13-24, 7-31-2013; §1-7A-3, Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020)

1-6A-4: VACANCIES IN OFFICE:

If any vacancy occurs in a seat on the city council, the process prescribed in Utah code section 20A-1-510, as amended from time to time, or its successor provisions, shall be followed. (2001 Code § 2-4-204; amd. 2009 Code; Ord. 15-06, 2-25-2015; §1-7A-4, Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020)

1-6A-5: FIDELITY BONDS OR INSURANCE 1 :

A. Penal Bond or Insurance Amount: The city shall have in place for each member of the city council, prior to assuming office, a bond or insurance in an amount sufficient to meet the requirements of state law.

B. Blanket Bond or Insurance: Any bond or insurance required by law or approved by the city council may be provided and the obligation satisfied by the city obtaining a public employee blanket bond, through an insurance contract, or by another legally identified and authorized method of insuring the city's interests.

C. Cost of Bond or Insurance: The premium for any bond or insurance contract obtained pursuant to this section shall be paid by the city. (2001 Code § 2-4-205; amd. 2009 Code; Ord. 16-01, 1-13-2016; §1-7A-5, Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020)

Notes

1 1. UCA 10-3-831

1-6A-6: OATH OF OFFICE:

A. Oath Required: Prior to assuming their official duties, each council member shall take and subscribe the oath of office designated in subsection B of this section. No official act of any municipal officer shall be invalid for failure to take the oath of office.

B. Oath Provisions: The oath of office shall be:

I, _____, do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States and the constitution of the state of Utah and the laws and ordinances of the City of West Jordan, and that I will discharge the duties of my office with fidelity.

C. Filing: The subscribed oath of all officers shall be filed with the city recorder. (2001 Code § 2-4-206; §1-7A-6, Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020)

1-6A-7: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

A. Disclosure Duty: Each candidate for elected municipal office shall report financial contributions in full compliance with state law, including those in Utah code section 10-3-208 and title 20A, chapter 11, or successor provisions; provided that for city elective offices, such disclosure of campaign contributions shall take place at the same times and in the same detail in connection with both city primary elections and city general elections.

B. Report Filing: The filings required by this section shall be made with the city recorder. The statements so filed shall be public records. (2001 Code § 2-4-207; amd. 2009 Code; Ord. 14-05, 2-12-2014; §1-7A-7, Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020)

1-6A-8: POLITICAL ACTION COMMITTEES AND POLITICAL ISSUE COMMITTEES:

A. Disclosure Duty: Each political action committee and political issue committee providing financial or in-kind support to a candidate for elected municipal office or in connection with an issue shall report concerning itself and with respect to financial and other contributions as provided in Utah code title 20A, chapter 11, or successor provisions; provided that such disclosure shall take place at the same times and in the same detail in connection with both city primary elections and city general elections.

B. Report Filing: The filings required by this section shall be made with the city recorder. The statements so filed shall be public records.

C. Penalties: Failure to comply with the law may subject an individual to criminal penalties or fines, including, but not limited to, those listed in Utah Code Annotated section 20A-11-603. (Ord. 14-05, 2-12-2014; §1-7A-8, Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020)

1-7-3: REQUIREMENTS FOR CANDIDATES FOR MAYOR OR A NEWLY ELECTED MAYOR:

A candidate for mayor or a newly elected mayor shall comply with all the applicable requirements of chapter 6, article A and chapter 8 of this title. (Ord. 19-37, 11-13-2019, Effective at 12 noon on January 6, 2020)

1-7-8: VACANCY IN THE OFFICE OF THE MAYOR:

A. Consistent with state law, if the duly elected mayor should die, resign, terminate legal domicile within the corporate limits of the city of West Jordan as determined by a court of competent jurisdiction, be judicially removed from office, or become disabled or disqualified in any other manner, the office of the mayor shall become vacant.

B. Until a successor mayor is appointed by the city council as provided in subsection C below, the council chair shall be the acting mayor, and the council vice-chair shall be the acting council chair.

C. The vacancy in the office of the mayor shall be filled pursuant to Utah Code section 20A-1-510 or successor provisions. (Ord. 19-37, 11-13-2019, Effective at 12 noon on January 6, 2020)

1-8-4: FIDELITY BONDS OR INSURANCE:

A. Bonds Required: The city shall have in place for the mayor and each appointive officer, prior to assuming the duties of office, an official bond or insurance conditioned for the faithful performance of the duties of their offices and the payment of all monies received by such officers according to law and ordinances of the city, with corporate sureties, payable to the city in the penal sum of not less than the amount required by state statute, including the state money management act of Utah Code Annotated section 51-7-15, or any successor provision.

B. Blanket Bond or Insurance: Any bond or insurance required by this section may be provided and the obligation satisfied by the city obtaining an employee blanket bond of equal or greater value, through an insurance contract, or by another legally identified and authorized method on insuring the city's interests.

C. Cost: The premiums for the fidelity bond or insurance contract shall be paid by the city. (2001 Code § 2-4-304; amd. 2009 Code; Ord. 16-01, 1-13-2016; §1-7C-4, Ord. 19-37, 11-13-2019, Effective at 12 noon on January 6, 2020










7a - Election Code Amendments


Final Audit Report

2020-11-13


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