

ORDINANCE NO. 2021- \_\_\_\_\_

**AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING CHAPTERS 2.48 AND 2.50 AND AMENDING SECTION 3.11.060 AS PART OF AN ONGOING EFFORT TO REORGANIZE REGULATIONS, CODIFY PLAIN LANGUAGE, MODERNIZE PROVISIONS, AND CONFORM THE SOUTH SALT LAKE CITY CODE WITH RECENT MANDATES IN STATE LAW.**

**WHEREAS**, the City Council of the City of South Salt Lake (the “City Council”) is authorized to enact ordinances for the protection of the health, safety, and welfare;

**WHEREAS**, the City is authorized by law to enact and amend ordinances establishing regulations governing municipal elections;

**WHEREAS**, the City Council finds that the City ordinance governing elections and campaign finance is impacted by state law changes; and

**WHEREAS**, the City Council considers it prudent to revise City ordinance to conform with state election and campaign finance laws in advance of the 2021 elections; and

**WHEREAS**, the City Council finds that much of the language in the previous ordinances may be removed both to conform with state law and in an effort to promote efficiency, add clarity, modernize provisions, and codify plain language to be more readable to the general public.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of South Salt Lake as follows:

**SECTION I. Amendment.** Amend Chapters 48 and 50 of Title 2 of the South Salt Lake Municipal Code as attached in “Exhibit A.”

**SECTION II. Amendment.** Amend Section 3.11.060 of the South Salt Lake Municipal Code as attached hereto and incorporated by reference as “Exhibit B.”

**SECTION III. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION IV. Conflict with Existing Ordinances, Resolutions, or Policies.** To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

**SECTION V. Effective Date.** This ordinance shall become effective upon Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(signatures appear on separate page)

DRAFT

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BY THE CITY COUNCIL:

\_\_\_\_\_  
Sharla Bynum, Council Chair

ATTEST:

\_\_\_\_\_  
Craig D. Burton, City Recorder

City Council Vote as Recorded:

Bynum	_____
deWolfe	_____
Huff	_____
Mila	_____
Pinkney	_____
Thomas	_____
Siwik	_____

Transmitted to the Mayor's office on this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Craig D. Burton, City Recorder

MAYOR'S ACTION: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Cherie Wood, Mayor

ATTEST:

\_\_\_\_\_  
Craig D. Burton, City Recorder

## EXHIBIT A

### Chapter 2.48 – ELECTIONS

#### 2.48.010 - Municipal government.

The municipal government of the city of South Salt Lake shall be vested in a mayor and a city council to be composed of seven members, two to be elected at large and five to be elected from districts.

#### 2.48.020 - Municipal elections.

- A. On Tuesday next following the first Monday in November, 1973, and quadrennially thereafter, there shall be held in the city of South Salt Lake, a municipal election to fill the offices of mayor for a four-year term, and three city councilmembers each for a four-year term.
- B. On Tuesday next following the first Monday in November, 1971, and quadrennially thereafter, there shall be held in the city of South Salt Lake a municipal election to fill the offices of four city councilmembers, each for a term of four years.

#### 2.48.030 - Primary elections.

Primary elections for the municipal offices of the city of South Salt Lake shall be held in accordance with UCA 20A-9-404 (1995), as currently amended.

#### 2.48.040 - Terms of office of municipal officers.

All officers of the city of South Salt Lake shall hold office for ~~the~~ the terms for which elected or appointed and until their respective successors are chosen and qualified.

#### 2.48.050 - Eligibility of officers.

**(1)** All elective officers of the city of South Salt Lake shall be chosen by the ~~qualified~~ **registered** voters therein ~~and~~.

**(2)** No person shall be eligible ~~to any~~ **for** elective office who is not a ~~qualified elector~~ **registered voter** of the **C**ity of South Salt Lake, nor shall any person be eligible to any office who is a defaulter to the municipal corporation.

**(3) No person who is elected to office in the city of South Salt Lake may simultaneously be employed by the city in any capacity other than the one to which the person is elected.**

#### 2.48.060 – ~~Nominations.~~ **Declarations of candidacy.**

**(1)** ~~Candidates~~ **A candidate** seeking office in the city of South Salt Lake shall ~~be nominated in accordance with~~ **comply with the requirements of** UCA 20A-9-203 (1995), as currently amended **and:**

(a) file the candidate's declaration with the City Recorder; and

(b) pay a nonrefundable filing fee listed in 3.11.060(D).

(2) The City Recorder shall:

(a) provide reasonable logistical support to a potential candidate filing a declaration;

(b) ensure that a candidate seeking office in the City has complied with UCA 20A-9-203, or its successor provision, and the provisions of this chapter before accepting the candidate's declaration; and

(c) return any filed declaration that does not comply with UCA 20A-9-203 or its successor provision.

2.48.090 - Certificates preserved two years.

~~(1) The city recorder shall [cause to be preserved]~~ preserve all declarations of candidacy filed under the provisions of this chapter in [his] the Office of the City Recorder for ~~[two years]~~ all declarations of candidacy filed therein under the provisions of this chapter] 22 months.

~~(2) All [such] declarations~~ described in Subsection (1) shall be open to public inspection during normal business hours. ~~[subject to lawful regulations.]~~

2.48.100 - List of nominees published and posted – Sample ballots to be posted.

~~[Before an election to fill any public office the city recorder shall publish in at least one and not more than two newspapers published within the city, or post in at least six conspicuous places in the city of South Salt Lake a list of all nominations to offices certified to him under the provisions of this chapter and the name and the party or other designation of each candidate. Such publication shall be as near as possible in the form of the official ballots and shall be published three times where newspapers are published and circulated therein except as otherwise provided in this section; the first publication to be not less than six days and not more than ten days prior to the date of election.]~~

The City Recorder shall ensure that:

(1) petitions for regular primary elections are circulated as described in U.C.A. 20A-9-405 or its successor provision;

(2) sample ballots are prepared and circulated as required in U.C.A. 20A-5-405 or its successor provision.

~~2.48.110 – Sample ballots to be posted.~~

~~[The city recorder shall, at least four days before the election, send to the registration agent in each election district in this city at least five copies of the printed sample ballots required by law to be printed. Such sample ballots shall at least three days before the day of election be conspicuously posted by the registration agents in one or more public places in their respective election districts and one or more sample ballots shall be posted where such election is to be held.]~~

~~[2.48.120 – Objections to nomination certificate.~~

~~All certificates of nomination which are in apparent conformity with the provisions of this chapter shall be deemed to be valid unless objection thereto shall be duly made in writing within three days after the filing of the same. In case such objection is made, notice thereof shall forthwith be mailed to all the candidates who may be affected thereby. The city recorder shall pass upon the validity of such objection and his decision shall be final; provided, that he shall decide such objection within forty-eight (48) hours after the same is filed and any objection sustained may be remedied by an amendment of the original certificates or by filing a new certificate within three days after such objection is sustained.~~

~~(Prior code § 1-2-10)~~

~~2.48.130 - Declining nomination.~~

~~Any person nominated may in writing duly signed and acknowledged notify the city recorder that he declines the nomination. In such event the nomination shall be void and the name shall not be printed on the party ticket certifying his nomination.~~

~~[2.48.140]~~ **2.48.110** - Filling vacancy.

If any person nominated declines ~~[his]~~ **the person's** nomination or dies **or otherwise becomes incapacitated to a degree that renders the person incapable of performing the functions of the prospective office** before election day, or if any certificate of nomination is insufficient or inoperative, **the resulting** vacancy ~~[thus occasioned]~~ may be filled in the same manner required in the original nomination.

## Chapter 2.50 - CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS

### Sections:

#### **2.50.010. Campaign finance disclosure requirements.**

**(1) As used in this section, "candidate" means the same as the term is defined in UCA 10-3-208 or its successor provision.**

**(2) A candidate for office in the City shall comply with all the campaign disclosure requirements outlined in UCA 10-3-208, or its successor provision, including:**

**(a) accounting for contributions; and**

**(b) timely filing necessary campaign finance statements.**

**(3) The City Recorder shall comply with the notification requirements described in UCA 10-3-208(7) and ensure that candidates who fail to timely file a required campaign finance statement are subject to the provisions of UCA 10-3-208(9).**

~~[2.50.010 - Definitions.~~

~~A. "Candidate" means any person who files a declaration of candidacy for an elective office of the city, or receives contributions, or makes expenditures or consents to another person receiving contributions or makes expenditures, with a view to bringing about such person's election to office, or causes on his behalf, any written material or advertisement to be printed, published, broadcast, or distributed or disseminated which indicates an intention to seek such office.~~

~~B. "Contribution" means monetary and nonmonetary contributions such as in-kind contributions and contributions of tangible things but shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate.~~

~~C. "Expenditure" means 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 a candidate.~~

~~(Ord. 2002-07 (part); Ord. 2001-08 (part))~~

#### ~~2.50.020 Filing of disclosure reports.~~

~~Each candidate for elective offices shall file with the city recorder, dated, signed and sworn, financial reports which comply with this chapter.~~

~~(Ord. 2001-08 (part))~~

#### ~~2.50.030 Time of filing.~~

~~The reports required by this chapter shall be filed as follows:~~

- ~~1. Candidates at a general election shall file the required report seven days before the general election and thirty (30) days after the general election.~~
- ~~2. Candidates eliminated a primary election shall file the required report thirty (30) days after the primary election.~~

~~(Ord. 2002-07 (part); Ord. 2001-08 (part))~~

#### ~~2.50.040 Contents of statements.~~

~~The statement filed seven days before the general election shall include:~~

- ~~A. A list of each contribution of more than fifty dollars (\$50.00) received by the candidate, and the name of the donor;~~
- ~~B. An aggregate total of all contributions of fifty dollars (\$50.00) or less received by the candidate; and~~
- ~~C. A list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.~~

~~The statement filed thirty (30) days after the general election shall include:~~

- ~~(a) A list of each contribution of more than fifty dollars (\$50.00) received after the cutoff date for the statement filed seven days before the general election, and the name of the donor;~~
- ~~(b) An aggregate total of all contributions of fifty dollars (\$50.00) or less received by the candidate after the cutoff date for the statement filed seven days before the election; and~~
- ~~(c) A list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.~~

~~The statement filed thirty (30) days after the primary election shall include:~~

- ~~A. A list of each contribution of more than fifty dollars (\$50.00) received by the candidate, and the name of the donor;~~
- ~~B. An aggregate total of all contributions of fifty dollars (\$50.00) or less received by the candidate; and~~

~~C. — A list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.~~

~~(Ord. 2002-07 (part); Ord. 2001-08 (part))~~

~~2.50.050 — Public information.~~

~~The statements required by this ordinance shall be public documents and shall be available for public inspection and copying during all regular city business hours.~~

~~(Ord. 2001-08 (part))~~

~~2.50.060 — Penalty for noncompliance.~~

~~Any candidate who fails to comply with the ordinance codified in this chapter is guilty of an infraction.]~~

~~(Ord. 2001-08 (part))~~

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**EXHIBIT B**

3.11.060 - Courts, City Attorney, **City Recorder**, and Recreation.

A. Justice Court.

Fines and bails	As set by Utah Administrative Office of Courts
Filing fees	As set by Utah Code Ann. § 78A-2-301.5
Record production fees	As set by Utah R. Jud. Admin. 4-202.08
Traffic school tuition	\$50.00
Trust check processing fee	\$10.00
Fingerprinting fee	\$10.00

B. City Attorney.

Discovery in criminal cases *	
Class C/infraction-level cases	\$10.00
Other criminal cases	\$15.00
Audio/video/color copies/etc.	See Section 3.11.020
Debt-collection account administrative fee	\$25.00

\* Fees in criminal cases shall not be assessed to or collected from defendants found indigent by the court in which their case is pending; however, duplicates/replacements of materials already provided to indigent defendants shall be charged at the standard rates above. Fee includes cost of mailing, and will provide all reports received by the prosecution office for the case requested.

**C. City Recorder.**

<b><u>Declaration of candidacy filing fee, established in 2.48.060</u></b>	<b><u>\$25</u></b>
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<b><u>GRAMA requests, authorized by UCA 63G-2-203</u></b>	
<b><u>The City Recorder may, pursuant to state statute, require upfront payment for a GRAMA request.</u></b>	
<b>a. <u>Black and White Copies</u></b>	<b><u>\$0.10 per page</u></b>
<b>b. <u>Staff time reviewing and responding to request</u></b>	<b><u>The cost of staff time, pursuant to UCA 63G-2-203, but no less than \$15 per hour, excluding the first fifteen minutes spent on the request.</u></b>

**D.** Recreation.

Youth Programs (uniform, team photo, award, practices and games)	Enrollment fee *
One child	\$25.00
Second child in family	\$20.00
Third and subsequent child in family	\$15.00

\* Scholarships covering all or part of youth program fees are available based upon income eligibility.