

ORDINANCE NO. 2023-10

**AN ORDINANCE AMENDING TITLE 1 CHAPTER 7 “ELECTIONS” SUBSECTION 7A-2 ✓
“FILING OF CAMPAIGN FINANCE DISCLOSURE STATEMENTS” OF THE
PLEASANT GROVE MUNICIPAL CODE TO COMPLY WITH RECENT CHANGES IN
THE ELECTION LAWS OF THE STATE OF UTAH REGARDING CAMPAIGN
FINANCE DISCLOSURE REGULATIONS; AND PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, Pleasant Grove City is a political subdivision of the State of Utah; and

WHEREAS, the Pleasant Grove municipal council has previous adopted ordinances regulating the process for holding elected office within the municipality; and

WHEREAS, said ordinances are required to be consisted with state law; and

WHEREAS, the Utah State Legislature made amendments to the state election code in its 2023 legislative session;

WHEREAS, said amendments provide for new requirements regarding financial disclosure statements of candidates; and

WHEREAS, the City desires to be in compliance with state election law regulations; and

WHEREAS, the municipal council finds that it is in the best interest of the citizens of Pleasant Grove to amend its ordinances to be consistent with state law;

WHEREAS, on May 16, 2023 the Pleasant Grove City Council held a duly noticed public meeting to consider said amendments; and

WHEREAS, at the public meeting, the Pleasant Grove City Council was satisfied that the proposed amendments, to the Pleasant Grove Municipal Code 1-7 “Elections” are in the best interest of the public.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Pleasant Grove City, Utah County, State of Utah, that TITLE 1 CHAPTER 7 “ELECTIONS” SUBSECTION 7A-2 “FILING OF CAMPAIGN FINANCE DISCLOSURE STATEMENTS” of the Pleasant Grove Municipal Code be amended as follows:

ARTICLE A. CAMPAIGN FINANCE DISCLOSURE

SECTION:

1-7A-1: Definitions

1-7A-2: Filing Of Campaign Finance Disclosure Statements

1-7A-3: Contents Of Campaign Finance Statement

1-7A-4: Public Information

1-7A-5: Penalty

1-7A-1: DEFINITIONS:

AGENT OF A CANDIDATE: A. A person acting on behalf of a candidate at the direction of the reporting entity;

B. A person employed by a candidate in the candidate's capacity as a candidate;

C. The personal campaign committee of a candidate;

D. 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

E. A political consultant of a candidate.

ANONYMOUS CONTRIBUTION LIMIT: Means for each calendar year:

A. Fifty dollars (\$50.00); or

B. An amount less than fifty dollars (\$50.00) that is specified in an ordinance of the Municipality; and

C. Is from a donor whose name is unknown.

CANDIDATE: A. A person who:

1. Files a declaration of candidacy for Municipal office; or

2. 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.

B. "Candidate" does not mean a person who files for the Office of Judge.

CONTRIBUTION: A. Any of the following when done for political purposes:

1. A gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;

2. 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;

3. Any transfer of funds from another reporting entity to the candidate;

4. Compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;

5. A loan made by a candidate deposited to the candidate's own campaign; and

6. An in-kind contribution.

B. "Contribution" does not include:

1. 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;

2. Money lent to the candidate by a financial institution in the ordinary course of business; or

3. 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.

COORDINATED WITH: Means that goods or services provided for the benefit of a candidate are provided:

A. With the candidate's prior knowledge, if the candidate does not object;

B. By agreement with the candidate;

C. In coordination with the candidate; or

D. Using official logos, slogans, and similar elements belonging to a candidate.

EXPENDITURE: A. Any of the following made by a candidate or an agent of the candidate on behalf of the candidate:

1. Any disbursement from contributions, receipts, or from a separate campaign account in a financial institution;

2. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

3. An express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;

4. Compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;

5. A transfer of funds between the candidate and a candidate's personal campaign committee as defined in Utah Code Annotated section 20A-11-101; or

6. 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.

B. "Expenditure" does not include:

1. Services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate; or

2. Money lent to a candidate by a financial institution in the ordinary course of business.

IN-KIND CONTRIBUTION: Anything of value other than money, that is accepted by or coordinated with a candidate.

POLITICAL CONSULTANT: A. 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.

B. "Political consultant" includes a circumstance described in subsection A of this definition, where the person:

1. Has already been paid, with money or other consideration;
2. Expects to be paid in the future, with money or other consideration; or
3. 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.

POLITICAL PURPOSES: 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.

REPORTING ENTITY: A. A candidate;

B. A committee appointed by a candidate to act for the candidate;

C. A person who holds an elected Municipal office;

D. A party committee as defined in Utah Code Annotated section 20A-11-101;

E. A political action committee as defined in Utah Code Annotated section 20A-11-101;

F. A political issues committee as defined in Utah Code Annotated section 20A-11-101;

G. A corporation as defined in Utah Code Annotated section 20A-11-101; or

H. A labor organization as defined in Utah Code Annotated section 20A-11-1501.

REPORTING LIMIT: For each calendar year:

A. Fifty dollars (\$50.00); or

B. An amount lower than fifty dollars (\$50.00) that is specified in an ordinance of the Municipality. (Ord. 2017-32, 5-16-2017)

1-7A-2: FILING OF CAMPAIGN FINANCE DISCLOSURE STATEMENTS:

A. Disclosure Requirements:

1. 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.

2. 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 (7) days before the primary election.

3. All candidates who are eliminated at a Municipal primary election shall file with the Recorder a campaign financial statement no later than thirty (30) days after the Municipal primary election.

4. All candidates who are not eliminated at a Municipal primary election shall file a campaign financial report with the City Recorder no later than 28 days before the day on which the municipal general election is held and seven (7) days before the Municipal general election, and no later than thirty (30) days after the Municipal general election.

5. A campaign finance statement required under this section is considered filed if it is received in the Municipal Clerk or Recorder's Office by five o'clock (5:00) P.M. on the date that it is due.

B. Failure To Report By Deadline:

~~1. If a candidate fails to file a campaign finance statement before the municipal general election by the deadline as specified in this article, the city recorder shall:~~

~~a. If practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or~~

~~b. If removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and~~

~~c. May not count any votes for that candidate. (Ord. 2015-19, 5-26-2015)~~

1. If a candidate fails to timely file a campaign finance statement required under Subsection (5A) the municipal clerk or recorder:

a. 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) will impose a fine of \$50 on the candidate.

2. 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 within 24 hours after the deadline for filing the report.

a. If a candidate is disqualified the election official:

(A) shall, if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(B) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

**1-7A-3: CONTENTS OF CAMPAIGN FINANCE STATEMENT **

Each candidate shall deposit a contribution in a separate campaign account in a financial institution; and may not deposit or mingle any campaign contributions received into a personal or business account.

- A. Seven Days Before Election (For Candidates Who Run In The Primary and General Election): The campaign finance statement filed no later than seven (7) days before the municipal primary and 28 days before the general election and seven (7) days before the Municipal general election shall include:

1. 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

2. 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

(C) 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.

3. A list of each contribution of more than fifty dollars (\$50.00) received by the candidate, and the name of the donor of the contribution and the amount of the contribution;
 4. An aggregate total of all contributions of fifty dollars (\$50.00) or less received by the candidate, even if no contributions are received; and
 5. A list of each expenditure made for political purposes during the campaign period, and the name of the recipient and the amount of the expenditure.
- B. Thirty Days After General Election (For Candidates Who Run In The General Election): The campaign finance statement filed no later than thirty (30) days after the municipal general election shall include:
1. A list of each contribution of more than fifty dollars (\$50.00) received by the candidate and the name of the donor of the contribution and the amount of the contribution after the cutoff date for the statement filed seven (7) days before the election; and

2. Within thirty (30) days after receiving a contribution that is cash or a negotiable instrument, exceeds anonymous contribution limit candidate shall disburse the amount of the contribution to:
3. The treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
4. An organization that is exempt from federal income taxation under section 501(c)(3), internal revenue code. (Ord. 2015-19, 5-26-2015)

1-7A-4: PUBLIC INFORMATION

The campaign finance statements required by this article shall be public document records and shall be available for public inspection and copying during all regular city business hours, as required in title 63, chapter 2, by the Utah government records access and management act (GRAMA). (Ord. 2015-19, 5-26-2015)

1-7A-5: PENALTY:

Any candidate who fails to comply with this article is guilty of an infraction and shall pay a fine of ten dollars (\$10.00) per day for every day they are late up to a maximum fine of seven hundred fifty dollars (\$750.00). Each and every failure to file the required campaign financial statement shall constitute a separate offense. (Ord. 2015-19, 5-26-2015)

SECTION 2: SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phases of this Ordinance.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and shall be posted or published as required by law.

SECTION 4: APPROVED AND ADOPTED AND MADE EFFECTIVE by the City Council of Pleasant Grove City, Utah County, Utah, this 16th day of May, 2023.


Guy L. Fugal, Mayor



ATTEST:


Kathy T. Kresser, City Recorder, MMC

Motion: Council Member J Jensen
Second: Council Member LeMone

ROLL CALL	Yes	No	Absent
Mayor Guy L. Fugal	<u> </u>	<u> </u>	<u> </u>
Dianna Andersen	<u>X</u>	<u> </u>	<u> </u>
Brent Bullock	<u>X</u>	<u> </u>	<u> </u>
Eric Jensen	<u>X</u>	<u> </u>	<u> </u>
Cyd LeMone	<u>X</u>	<u> </u>	<u> </u>
Todd Williams	<u>X</u>	<u> </u>	<u> </u>

CERTIFICATE OF POSTING ORDINANCE
Pleasant Grove City Corporation

I, the duly appointed recorder for the City of Pleasant Grove, hereby certify that a summary of the foregoing Ordinance No 2023-10 was posted on the State (<http://pmn.utah.gov>) website on this 17 day of May, 2023.

Dated this 17 day of May, 2023.

Kathy T. Kresser
Kathy T. Kresser, MMC, City Recorder

