

ORDINANCE NO. 02-2004

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, ADOPTING
FINANCIAL REPORTING REQUIREMENTS FOR CANDIDATES
FOR CITY OFFICES; AND ESTABLISHING AN EFFECTIVE
DATE FOR THOSE CHANGES.**

Section 1. Recitals:

WHEREAS, West Haven City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the provisions of UCA § 10-3-717, and UCA § 10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, and UCA § 10-3-701, the governing body of the city is in the process of adopting a City Code which, among other things, deals with the manner in which elections shall be handled within the City; and,

WHEREAS, the City Council finds that recent changes to the Utah state law require changes in the way such election reports and handled; and,

WHEREAS, the City Council finds that language should be adopted that deals with city elections and should conform with state statutory requirements; and,

WHEREAS, the City Council finds that the it is in the public interest to make these election related changes; and,

WHEREAS, the City Council finds that the requirements herein should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that the following be adopted:

All candidates for elective city office shall comply with the following campaign disclosure requirements as authorized and required by Utah Code Annotated §10-3-208

"Campaign financial disclosure in municipal

elections": A. **Definitions:**

CANDIDATE: Any person who files a declaration of candidacy for an elective office of the city; or who 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 causes on his behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.

CONTRIBUTION: Monetary and nonmonetary contributions such as in-kind contributions and contributions of tangible things. Contribution" does not include: (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the filing entity; or (ii) money lent to the filing entity by a financial institution in the ordinary course of business.

ELECTION: Both primary and final elections.

EXPENDITURE:

1. Expenditure means:

- a. any disbursement from contributions, receipts, or from the separate bank account required by state law to be established for candidates for public office;
- b. a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
- c. an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
- d. compensation paid by a corporation or filing entity for personal services rendered by a person without charge to a reporting entity;
- e. a transfer of funds between the filing entity and a candidate's personal campaign committee; or
- f. goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.

2. Expenditure does not include:

- a. services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
- b. money lent to a reporting entity by a financial institution in the ordinary course of business; or
- c. anything listed in Subsection (5)(a) that is given by a corporation or reporting entity to each candidate for office or officeholders in states other than Utah.

FINANCIAL STATEMENT: includes any summary report, interim report, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter.

PERSON: means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, labor unions, and labor organizations.

REPORT: means a verified financial statement.

REPORTING ENTITY: means a candidate, a candidate's personal campaign committee, an officeholder, and a party committee, a political action committee, and a political issues committee.

B. Reporting Requirements:

1. each candidate for city office who receives more than \$750 in campaign contributions or spends more than \$750 on their campaign for city office shall file financial reports that conform to the following

- a. report the candidate's itemized and total campaign contributions and expenditures at least once seven days before the municipal general election and at least once 30 days after the municipal general election;
- b. for each contribution of more than \$50, the name of the donor of the contribution and the amount of the contribution; and
- c. for each expenditure, the name of the recipient and the amount of the expenditure.

2. If a candidate fails to file an interim report due before the municipal general election, the city recorder shall, after making a reasonable attempt to discover if the report was timely mailed, inform the appropriate election officials who:

- a. shall, if practicable, remove the name of the candidate 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
- c. may not count any votes for that candidate.

3. Notwithstanding the foregoing, a candidate is not disqualified if: a. the candidate files the reports required by this section;

b. those reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and

c. those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

4. A report is considered filed if:

a. it is received in the municipal recorder's office no later than 5 p.m. on the date that it is due;

b. it is received in the municipal recorder's office with a postmark three days or more before the date that the report was due; or

c. the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.

C. Enforcement:

1. Any private party in interest may bring a civil action in district court to enforce the provisions of this section or any ordinance adopted under this section.

2. In a civil action filed under Subsection (9)(a), the court may award costs and attorney's fees to the prevailing party.

D. **Not Applicable:** These financial reporting requirements do not apply to a candidate for municipal office who:

1. receives \$750 or less in campaign contributions; and

2. spends \$750 or less on the candidate's campaign for municipal office.

E. **Unsuccessful Primary Election Candidates:** Candidates for elective municipal office who are eliminated at a primary election shall file a signed campaign financial statement containing the information required herein not later than 30 days after the primary election.

F. **Public Information:** The statements required by this chapter shall be public documents and shall be available for public inspection and copying during all regular business hours.

G. **Penalty For Noncompliance:** Any candidate who fails to comply with this section is guilty of an infraction and upon conviction, subject to penalty as provided in section 1-4-1 of this code.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

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Ref.: UCA § 10-9-401

Section 3. Prior Ordinances and Resolutions:

The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. Savings Clause:

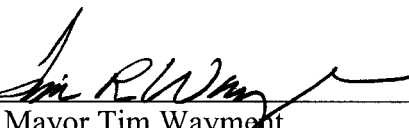
If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

Section 5. Date of Effect

BE IT FURTHER ORDAINED that this Ordinance, and the fees listed herein, shall become effective on the 21st day of January, 2004, and after publication or posting as required by law.


DATED this 21st day of January, 2004

WEST HAVEN CITY, a municipal corporation

by: 

Mayor Tim Wayment.

Attested and recorded



Janet Carlin
-1- The
City Recorder