



2021

Candidate Information

Guide





June 1, 2021

Dear Candidate:

Congratulations on your decision to run for elected office in Eagle Mountain City. The following information will be helpful to you in the upcoming weeks of your campaign.

Candidate filings and elections are supervised by the City Recorder's Office. This Candidate Guide to Elections will provide you with basic information about the election process.

The Recorder's Office will conduct a candidate orientation meeting on June 11 at 6:00 p.m. in the main conference room at City Hall.

Should you have any questions, please call Finn at either 801.789.6610 (office) or 801.420.2279 (cell). You may also call the Deputy Recorders at the following numbers: Johna Rose at 801.789.6634 or Lianne Pengra at 801.789.6611.

Best wishes for a successful campaign.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fionnuala B. Kofoed".

Fionnuala B. Kofoed, MMC
Eagle Mountain City Recorder

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Personal Commitment

To perform effectively as a Mayor or Councilmember, you need to budget your time wisely. You will be responsible for three very important roles:

1. Your Public Position
2. Your Family
3. Your Profession

You already know how much time is needed for your family and profession. However, few people realize how many hours are needed to conduct the official business of the City. Ten (10) to twenty (20) hours per week is a good estimate for the time Councilmembers give to their Council responsibilities, and at least forty (40) hours per week for the Mayor.

In addition to the regularly scheduled City Council meetings, numerous informal meetings and work sessions are required to address special issues or problems. Councilmembers also serve as representatives to the City's advisory boards and commissions.

Qualifications for Elected Office

A candidate must be a United States citizen.

A candidate must be 18 years old or older and a registered voter of Eagle Mountain City.

A candidate must have resided in Eagle Mountain City for 12 consecutive months immediately preceding the date of the election.

A candidate must be mentally competent, have not been convicted of a felony, and not have been convicted of treason or a crime against the elective franchise, unless the right to hold office has been restored pursuant to [UCA § 20A-2-101.3](#) or [20A-2-101.5](#), as amended.

A candidate must pay a \$50 filing fee.

Offices to be Voted On

And the Terms of Office

Mayor	4-year Term	January 2022 to January 2026
Councilmember Seat	4-year Term	January 2022 to January 2026
Councilmember Seat	4-year Term	January 2022 to January 2026

Important Dates

CANDIDATE ACTION

06.01.2021 – Filing Period for Declaration of Candidacy

06.07.2021
@ 5:00 PM

Each person seeking to become a candidate for a municipal office shall file a declaration of candidacy in person with Fionnuala Kofoed, City Recorder, Johna Rose, Deputy Recorder, or Lianne Pengra, Deputy Recorder, Monday through Friday, 7:30 AM to 5:30 PM.

The filing period ends at **5:00 PM on June 7, 2021**. Interested persons must meet the qualifications and requirements set forth in Utah State Code in order for their declaration of candidacy to be accepted. [[UCA § 20A-9-203](#)]

CANDIDATE ACTION

06.16.2021 Candidate Orientation Meeting

@ 6:00 PM

CANDIDATE ACTION

06.28.2021 Candidate Profile for vote.utah.gov

@ 5:00 PM

Deadline for candidates to submit an optional 200-word profile to the Lt. Governor's Office for the Primary Election. Profiles must be emailed to elections@utah.gov. [[UCA § 20A-7-801\(4\)](#)]

PUBLIC ACTION

07.30.2021 Voter Registration Deadline

@ 5:00 PM

Voter registration must be received by the Utah County Clerk before 5:00 PM. However, voters may register to vote at an early voting location or at a polling location on Election Day. Voters must bring two forms of identification to do so. [[UCA § 20A-2-102.5](#)]

ELECTION

07.27.2021 – Early Voting Period

08.06.2021

An individual who is registered to vote may vote during the early voting period. An individual who is not registered to vote may register to vote, and vote, during the early voting period by casting a provisional ballot. [[UCA § 20A-3a-601](#)]

CANDIDATE ACTION

08.03.2021 Campaign Financial Disclosure

@ 5:00 PM

This is the last day for candidates to file a signed campaign financial disclosure with the City Recorder prior to the Primary Election. [[UCA § 10-3-208\(3\)\(b\)](#)]

ELECTION**08.10.2021 Primary Municipal Election**

Polls open at 7:00 AM and close at 8:00 PM. [UCA § 20A-1-201.5 and 20A-9-404] An individual who is not registered to vote may register to vote, and vote, on election day by casting a provisional ballot. [UCA § 20A-3a-601]

ELECTION**08.24.2021 Last Day of Primary Canvass**

Last day the Board of Canvassers may canvass the Primary Election returns. The Board of Canvassers meet to canvass the returns no sooner than seven days after the election and no later than fourteen days after the election. [UCA § 20A-4-301]

CANDIDATE ACTION**08.27.2021 Recount Deadline****@ 5:00 PM**

The last day a candidate may request a recount. [UCA § 20A-4-401]

CANDIDATE ACTION**09.03.2021 Candidate Profile for vote.utah.gov****@ 5:00 PM**

Deadline for candidates to submit an optional 200-word profile to the Lt. Governor's Office for the General Election. Profiles must be emailed to elections@utah.gov. [UCA § 20A-7-801(4)]

CANDIDATE ACTION**09.09.2021 Campaign Financial Disclosure from Eliminated Candidates****@ 5:00 PM**

This is the last day for candidates who are eliminated at the Primary Election to file a signed campaign financial disclosure with the City Recorder. [UCA § 10-3-208(3)(b)]

PUBLIC ACTION**10.22.2021 Voter Registration Deadline****@ 5:00 PM**

Voter registration must be received by the Utah County Clerk before 5:00 PM. However, voters may register to vote at an early voting location or at a polling location on Election Day. Voters must bring two forms of identification to do so. [UCA § 20A-2-102.5]

ELECTION**10.19.2021 – 10.29.2021 Early Voting Period**

An individual who is registered to vote may vote during the early voting period. An individual who is not registered to vote may register to vote, and vote, during the early voting period by casting a provisional ballot. [UCA § 20A-3a-601]

CANDIDATE ACTION

10.26.2021 **Campaign Financial Disclosure**
@ 5:00 PM This is the last day for candidates to file a signed campaign financial disclosure with the City Recorder prior to the General Election. [[UCA § 10-3-208\(3\)\(b\)](#)]

ELECTION

11.02.2021 **General Municipal Election**
Polls open at 7:00 AM and close at 8:00 PM. [[UCA § 20A-1-202](#)]
An individual who is not registered to vote may register to vote, and vote, on election day by casting a provisional ballot. [[UCA § 20A-3a-601](#)]

ELECTION

11.16.2021 **Last Day of Primary Canvass**
Last day the Board of Canvassers may canvass the Primary Election returns. The Board of Canvassers meet to canvass the returns no sooner than seven days after the election and no later than fourteen days after the election. [[UCA § 20A-4-301](#)]

CANDIDATE ACTION

11.19.2021 **Recount Deadline**
@ 5:00 PM The last day a candidate may request a recount. [[UCA § 20A-4-401](#)]

CANDIDATE ACTION

12.02.2021 **Final Campaign Financial Disclosure**
@ 5:00 PM This is the last day for candidates to file a signed campaign financial disclosure with the City Recorder following the General Election. [[UCA § 10-3-208\(3\)\(b\)](#)]

CANDIDATE ACTION

01.03.2022 **Oath of Office**
Newly elected municipal officers shall be given the oath of office by the City Recorder and begin their terms of office at 12:00 noon on the first Monday in January following the election, or as soon thereafter as practicable. [[UCA § 10-3-201](#) and [10-3-828](#)]

Political Campaign Signs

In order to avoid candidate confusion and potential violations of City ordinances, explanation is given regarding some specific provisions of the Eagle Mountain Municipal Code regarding political signs. Please be advised that political signs found out of compliance with regulations and standards may be removed without notice. After reviewing this information packet, kindly contact the Planning Department at 801.789.6615 if you have additional questions regarding signs.

The Basics of Campaign Signs

Sign Placement

- No permit is required.
- Signs must be placed on private property with permission from property owner.
- Signs must be removed no later than two days following the election.

Sign Dimensions

- Signs can be no more than 8 feet high.
- Signs can be no larger than 32 square feet, if double-faced.

Where Not to Place Campaign Signs

- In or over any public right-of-way.
- On any tree, cliff, or other natural feature.
- On a utility pole.
- Where they create a traffic safety hazard by obscuring traffic control signs or signals, confuse drivers by appearing to be a traffic control sign or signal, or appear to be the lights of a public safety or maintenance vehicle, or if they obstruct vision at intersections or driveways.

The City will immediately remove any signs located in these areas.

Form of Government

Eagle Mountain City is organized under a **Six-member Council** form of government, one of whom is the Mayor and five of whom are Councilmembers, as detailed in [UCA § 10-3b-302](#) and [UCA § 10-3b-303](#).

Oath of Office

After being elected, the Mayor and Councilmembers are required to take the following oath of office during the swearing-in ceremony. This ceremony is held at 12:00 noon on the first Monday in January, or as soon thereafter as practically possible:

“I do solemnly swear that I will support, obey and defend the Constitution of the United States, and the Constitution of the State of Utah, and that I will discharge the duties of my office in Eagle Mountain City with fidelity.”

City Council Meetings

Regular meetings of the City Council are held at 4:00 PM for Work Session and 7:00 PM for Policy Session on the first and third Tuesday of each month in the Eagle Mountain City Council Chambers, 1650 East Stagecoach Run.

A special meeting may be ordered by the Mayor or in writing by any two members of the governing body. An order of a special meeting is to be entered in the minutes of that meeting and, at a minimum, the order must provide at least three hours' notice of the special meeting. This notice must be served by the City Recorder on each member of the governing body who did not sign the order.

A quorum must be present at the meeting before any action of the governing body can take place. The quorum in cities of the five- and six-member council forms of government should be interpreted as three Councilmembers, not counting the Mayor. The reason for this is that the Mayor does not vote except in case of a tie.

Elected Officials' Compensation

Mayor

If Primary Source of Income: \$70,000 + \$600/month Transportation Allowance

If Secondary Source of Income: \$27,700 + \$600/month Transportation Allowance

The Mayor is entitled to all City-sponsored benefits on the same basis and employer contributions as other City employees.

[EMMC 2.10.020]

City Council

Monthly Compensation: \$1,100/month

Monthly Compensation for Non-reimbursed Incidentals: \$200/month

[EMMC 2.15.010]

Ethics and Financial Disclosure

The state has enacted the Municipal Officers' and Employees' Ethics Act, [UCA § 10-3-13](#), which establishes standards of conduct for elected and appointed officials. According to this act, an elected or appointed officer or municipal employee may not:

1. Disclose or improperly use private, controlled, or protected information acquired by reason of his position or in the course of official duties in order to further substantiate his personal economic interest or to secure special privileges or exemptions for himself or others.
2. Use or attempt to use his position to further substantiate his personal economic interest, or secure privileges for himself or others.

3. Knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another, a gift of substantial value or a substantial economic benefit tantamount to a gift (which is defined as a loan received at an interest rate that is substantially lower than the commercial rate, or compensation received for private services rendered at a rate substantially exceeding the fair market value of the services) that would tend to improperly influence a reasonable person to depart from the faithful and impartial discharge of the person's public duties; or the person knows or a reasonable person in the office should know that under the circumstances, the gift is primarily for the purpose of rewarding the person for official action taken. This does not apply to:
 - A. An occasional non-pecuniary gift under \$50 in value.
 - B. An award presented publicly in recognition for public service.
 - C. A bona fide loan in ordinary course of business.
 - D. Political campaign contributions.
4. Fail to disclose in public meeting any personal interest or investment by any elected or appointed municipal official creating a conflict between an official's personal interests and public duties.

A disclosure statement must be filed with the Mayor and notification given for any of the following:

1. City official or employee receives compensation for assisting any person or entity in a transaction involving the City.
2. City official or employee is an officer, director, agent, employee or owner of substantial interest (over \$2,000) in a business regulated by the City.
3. City official or employee is an officer, director, agent, employee or owner of substantial interest in a business which does or anticipates doing business with the City.

Besides filing a disclosure statement, elected and appointed officials must also disclose their position verbally in open meeting to the other members of the body to which they belong, as well as immediately prior to any discussion involving the business or interest.

Certain penalties may be imposed for violation of the above requirements; they include:

1. Potential second-degree felony action.
2. Mandatory removal from office.
3. Rescission of transaction.

Campaign Finance Reporting

Definitions

Contributions: Receiving of **money** or **non-monetary** contributions such as **in-kind** contributions and contributions of **tangible items** for political purpose.

Expenditures: Spending or paying of **money** or **non-monetary** items such as **tangible items** and **in-kind payments** for a political purpose.

Reporting

Each candidate for elected municipal office is required to file a campaign finance statement with the City Recorder containing itemized and total campaign contributions and expenditures.

All candidates in the Primary Election shall file a campaign finance statement by **5:00 PM** on **August 3, 2021**.

Candidates eliminated in the Primary Election shall file a campaign finance statement by **September 9, 2021**.

Candidates in the General Election shall file a first signed campaign finance statement by **5:00 PM** on **October 26, 2021** for contributions and expenditures up to and including October 26, 2021.

Candidates in the General Election shall file a second signed campaign finance statement by **December 2, 2021** for contributions and expenditures through the date of this filing, excluding expenditures previously reported.

Additional Statements: If a candidate receives contributions or makes expenditures after the date the candidate files the second campaign finance statement, the candidate shall file (an) additional campaign financial statement(s) within thirty (30) days of receiving the contribution or making the expenditure.

The signed campaign finance statements must include the following information:

1. The name of the donor and the amount of each contribution received, including in-kind and other nonmonetary contributions, that is more than \$25.00.
2. An aggregate total of all contributions of \$25.00 or less received by the candidate.
3. The name of the recipient and amount for each expenditure made.

A candidate shall disburse anonymous contributions, \$50 or above, to the City Treasurer for deposit into the general fund or donate the funds to an organization exempt from federal income taxation.

Classification

Signed campaign finance statements received by the City Recorder are classified as public records.

Penalty

Any person failing to comply with campaign finance disclosure is guilty of an infraction and upon conviction shall be fined not more than \$750.00. Each failure to file the required statement shall constitute a separate offense.

Please Remember!

The names of candidates failing to file a campaign finance statement by 5:00 PM on August 3, 2021 will be removed from the Primary Election ballot, and the names of candidates failing to file a campaign finance statement by 5:00 PM on October 26, 2021 will be removed from the General Election ballot.

Executive Staff

Title	Name	Phone	Email Address
City Administrator	Paul Jerome	801.789.6639	pjerome@emcity.org
Assistant City Administrator / Community Development Director	Steve Mumford	801.789.6616	smumford@emcity.org
City Attorney	Jeremy Cook	801.363.4300	jcook@cohnekinghorn.com
City Engineer	Chris Trusty	801.789.6671	ctrusty@emcity.org
City Recorder	Fionnuala Kofoed	801.789.6610	fkofloed@emcity.org
City Treasurer	Josh Bairrington	801.789.6605	jbairrington@emcity.org
Communications Manager	Tyler Maffitt	385.272.4017	tmaffitt@emcity.org
Economic Development Director	Aaron Sanborn	801.789.6621	asanborn@emcity.org
Events Manager	Dawn Hancock	801.789.6635	dhancock@emcity.org
Facilities/Operations Director	Jeff Weber	801.789.6679	jweber@emcity.org
Finance Director	Kimberly Ruesch	801.789.6606	kruesch@emcity.org
Human Resources Manager	Angela Valenzuela	801.789.6604	avalenzuela@emcity.org
Library Director	Michele Graves	801.789.6622	mgraves@emcity.org
Parks & Recreation Director	Brad Hickman	801.789.6664	bhickman@emcity.org
Public Utilities Director	Mack Straw	801.789.6678	mstraw@emcity.org
Streets & Storm Drain Manager	Zac Hilton	801.789.6677	zhilton@emcity.org
UCSO Chief Deputy	Eric McDowell	801.789.6706	ericm@utahcounty.org
UFA Battalion Chief	Ross Fowlks	801.789.6714	rfowlks@ufaslco.org

Advisory Boards & Commissions

The City Council has established various advisory boards and commissions to perform specific tasks for the City. The citizens appointed to serve on these boards render valuable service to the City. Councilmembers serve as liaisons to some of these boards and commissions, as appointed by the Mayor on an annual basis.

Cemetery Advisory Board

The Cemetery Advisory Board consists of five members who research issues such as design and maintenance guidelines and make recommendations to the City Council.

Meetings: The 4th Wednesday of the month at 6:00 PM

Staff: Brad Hickman, Parks and Recreation Director – 801.789.6664

Library Advisory Board

The Library Advisory Board consists of seven members who advise on the needs and desires of the public regarding library services. They also encourage grants or gifts and recommend the purchase of various library materials for the benefit of the community.

Meetings: Quarterly on the 3rd Thursday of the month at 7:00 PM

Staff: Michele Graves, Library Director – 801.789.6622

Military and Veterans Advisory Board

The Military and Veterans Advisory Board consists of seven members who create and administer services for the active and former military members living in Eagle Mountain.

Meetings: The 3rd Thursday of the month at 6:00 PM

Parks and Recreation Advisory Board

The Parks and Recreation Advisory Board consists of seven members who advise the City Council on parks and recreation issues.

Meetings: The 2nd Thursday of the month at 6:00 PM

Staff: Brad Hickman, Parks and Recreation Director – 801.789.6664

Planning Commission

The Planning Commission consists of five members and is regulated primarily by state law. It works to promote planned and orderly growth within the community.

Meetings: The 2nd and 4th Tuesday of the month at 5:30 PM

Staff: Steve Mumford, Assistant City Administrator / Community Development Director – 801.789.6616

Senior Citizens Advisory Council

The Senior Citizens Advisory Council consists of five members who advise the City Council on matters of interest to senior citizens and who sponsor programs and activities for City residents 55 years of age or older.

Meetings: The 1st Tuesday of the month at 10:00 AM

Youth Council

The Youth Council consists of members elected by local youth. The young person who receives the most votes becomes the Youth Mayor, as long as he or she is in 11th or 12th grade. The other candidates comprise the remainder of the Council.

Meetings: The 2nd Wednesday of the month at 5:30 PM

Exhibits

- A. Eagle Mountain Conflict of Interest Disclosure Statement Form
- B. Campaign Finance Statement Form
- C. Eagle Mountain Municipal Code on Campaign Finance
- D. Utah State Code on Campaign Finance

Eagle Mountain Conflict of Interest Disclosure Statement

To: Mayor _____

Pursuant to the requirements contained in the Municipal Officers' and Employees' Ethics Act, Utah Code Title 10, Chapter 3, Part 13, I am making the following sworn disclosure statement:

1. Name, Address, and City Position (please type or print): _____

2. Name and address of the person or business entity being or to be assisted, or in which the appointed or elected official or municipal employee has a substantial interest: ____

3. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed: _____

4. A brief summary describing the City officer or employee's position in the regulated entity and the precise nature and value of the interest: _____

5. The precise nature and value of any change of interest since last disclosure, if applicable:

Dated this _____ day of _____, 20_____.

Print Name

Signature

Subscribed and sworn before me this _____ day of _____, 20 _____.

Notary Public of Utah

Eagle Mountain Municipal Code on Campaign Finance

Chapter 1.20 CAMPAIGN FINANCE DISCLOSURES

Sections:

- 1.20.010 Purpose and intent.
- 1.20.020 Definitions.
- 1.20.030 Reporting.
- 1.20.040 Classification.
- 1.20.050 Penalty.

1.20.010 Purpose and intent.

The purpose of this chapter is to comply with Section 10-3-208, Utah Code Annotated 1953, and to establish campaign finance disclosure requirements for candidates for elective office in Eagle Mountain City.

1.20.020 Definitions.

“Campaign finance statement” means a statement disclosing campaign finance information defined specifically in EMMC 1.20.030(B).

“Contribution” means the receiving of money and nonmonetary contributions such as in-kind contributions and contributions of tangible things for political purposes.

“Expenditure” means the spending or paying of money or nonmonetary items such as tangible things and in-kind payments for a political purpose made during the campaign period.

“Municipal general election” means the election held in municipalities on the second Tuesday after the first Monday in November of each odd-numbered year.

“Municipal primary election” means the election held in municipalities on the second Tuesday after the first Monday in August before the municipal general election.

1.20.030 Reporting.

A. Each candidate for elected municipal office shall file a signed campaign finance statement with the city recorder containing itemized and total campaign contributions and expenditures as required below:

1. Candidates Eliminated at the Municipal Primary Election. Candidates who are eliminated at the municipal primary election shall file a campaign finance statement within the 30 days after the municipal primary election.
2. Candidates in the Municipal General Election. Candidates in the municipal general election shall file the following campaign finance statements:
 - a. An initial campaign finance statement shall be filed at least seven days, but not more than 14 days, before the municipal general election. The first campaign finance statement shall include contributions received and

expenditures made up through and including 15 days prior to the municipal general election.

- b. A post-election campaign finance statement shall be filed within the 30 days following the municipal general election. The second campaign finance statement shall include contributions received and expenditures made after the cutoff date for the first campaign finance statement filing period (15 days prior to the municipal general election) until the date the candidate files the second campaign finance statement.
- c. If the candidate receives contributions or makes expenditures after the date the candidate files the second campaign finance statement, the candidate shall file an additional campaign finance statement(s) within 30 days of receiving the contribution or making the expenditure.

B. The campaign finance statement must include the following information:

- 1. For each contribution of more than \$25.00, the name of the donor of each contribution and the amount of the contribution.
- 2. An aggregate total of all contributions of \$25.00 or less received by the candidate.
- 3. For each expenditure for a political purpose made during the campaign period, the name of the recipient and the amount of the expenditure.

1.20.040 Classification.

The signed campaign finance statement received by the city recorder pursuant to this chapter shall be classified as a public record.

1.20.050 Penalty.

Any person who fails to comply with this chapter or falsifies information on the statement is guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than \$750.00. Each and every failure to file the required campaign finance statement shall constitute a separate offense.

Utah State Code on Campaign Finance

Effective 05.14.2019

10-3-208 Campaign finance disclosure in municipal election.

- (1) Unless a municipality adopts by ordinance more stringent definitions, the following are defined terms for purposes of this section:
- (a) "Agent of a candidate" means:
 - (i) a person acting on behalf of a candidate at the direction of the reporting entity;
 - (ii) a person employed by a candidate in the candidate's capacity as a candidate;
 - (iii) the personal campaign committee of a candidate;
 - (iv) a member of the personal campaign committee of a candidate in the member's capacity as a member of the personal campaign committee of the candidate;
 - or
 - (v) a political consultant of a candidate.
 - (b) "Anonymous contribution limit" means for each calendar year:
 - (i) \$50; or
 - (ii) an amount less than \$50 that is specified in an ordinance of the municipality.
 - (c)
 - (i) "Candidate" means a person who:
 - (A) files a declaration of candidacy for municipal office; or
 - (B) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a municipal office.
 - (ii) "Candidate" does not mean a person who files for the office of judge.
 - (d)
 - (i) "Contribution" means any of the following when done for political purposes:
 - (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;
 - (B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the candidate;
 - (C) any transfer of funds from another reporting entity to the candidate;
 - (D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;
 - (E) a loan made by a candidate deposited to the candidate's own campaign; and
 - (F) an in-kind contribution.
 - (ii) "Contribution" does not include:
 - (A) services provided by an individual volunteering a portion or all of the individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;
 - (B) money lent to the candidate by a financial institution in the ordinary course of business; or
 - (C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.
 - (e) "Coordinated with" means that goods or services provided for the benefit of a candidate are provided:
 - (i) with the candidate's prior knowledge, if the candidate does not object;

- (ii) by agreement with the candidate;
 - (iii) in coordination with the candidate; or
 - (iv) using official logos, slogans, and similar elements belonging to a candidate.
- (f)
- (i) “Expenditure” means any of the following made by a candidate or an agent of the candidate on behalf of the candidate:
 - (A) any disbursement from contributions, receipts, or from an account described in Subsection (3)(a)(i);
 - (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
 - (C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;
 - (D) compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;
 - (E) a transfer of funds between the candidate and a candidate’s personal campaign committee as defined in Section 20A-11-101; or
 - (F) goods or services provided by a reporting entity to or for the benefit of the candidate for political purposes at less than fair market value.
 - (ii) “Expenditure” does not include:
 - (A) services provided without compensation by an individual volunteering a portion or all of the individual’s time on behalf of a candidate; or
 - (B) money lent to a candidate by a financial institution in the ordinary course of business.
- (g) “In-kind contribution” means anything of value other than money, that is accepted by or coordinated with a candidate.
- (h)
- (i) “Political consultant” means a person who is paid by a candidate, or paid by another person on behalf of and with the knowledge of the candidate, to provide political advice to the candidate.
 - (ii) “Political consultant” includes a circumstance described in Subsection (1)(h)(i), where the person:
 - (A) has already been paid, with money or other consideration;
 - (B) expects to be paid in the future, with money or other consideration; or
 - (C) understands that the person may, in the discretion of the candidate or another person on behalf of and with the knowledge of the candidate, be paid in the future, with money or other consideration.
- (i) “Political purposes” means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal office at any caucus, political convention, or election.
- (j) “Reporting entity” means:
- (i) a candidate;
 - (ii) a committee appointed by a candidate to act for the candidate;
 - (iii) a person who holds an elected municipal office;
 - (iv) a party committee as defined in Section 20A-11-101;
 - (v) a political action committee as defined in Section 20A-11-101;
 - (vi) a political issues committee as defined in Section 20A-11-101;
 - (vii) a corporation as defined in Section 20A-11-101; or
 - (viii) a labor organization as defined in Section 20A-11-1501.

- (2)
 - (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a candidate that are more stringent than the requirements provided in Subsections (3), (4), and (5).
 - (b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).
 - (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3), (4), and (5).
- (3)
 - (a) Each candidate:
 - (i) shall deposit a contribution in a separate campaign account in a financial institution; and
 - (ii) may not deposit or mingle any campaign contributions received into a personal or business account.
 - (b) In a year in which a municipal primary is held, each candidate who will participate in the municipal primary shall file a campaign finance statement with the municipal clerk or recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).
 - (c) Each candidate who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:
 - (i) no later than seven days before the day on which the municipal general election is held; and
 - (ii) no later than 30 days after the day on which the municipal general election is held.
 - (d) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement within 30 days after the day on which the municipal primary election is held.
- (4) Each campaign finance statement described in Subsection (3) shall:
 - (a) except as provided in Subsection (4)(b):
 - (i) report all of the candidate's itemized and total:
 - (A) contributions, including in-kind and other nonmonetary contributions, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and
 - (B) expenditures made up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and
 - (ii) identify:
 - (A) for each contribution, the amount of the contribution and the name of the donor, if known; and
 - (B) for each expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or
 - (b) report the total amount of all contributions and expenditures if the candidate receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- (5) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the anonymous contribution limit, and is from a donor whose name is unknown, a candidate shall disburse the amount of the contribution to:
 - (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

- (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (6)
- (a) A municipality may, by ordinance:
 - (i) provide an anonymous contribution limit less than \$50;
 - (ii) require greater disclosure of contributions or expenditures than is required in this section; and
 - (iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.
 - (b) A candidate is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (6)(a) if:
 - (i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and
 - (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (7).
- (7) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 14 days before each municipal general election, notify the candidate in writing of:
- (a) the provisions of statute or municipal ordinance governing the disclosure of contributions and expenditures;
 - (b) the dates when the candidate's campaign finance statement is required to be filed; and
 - (c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.
- (8) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:
- (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
 - (b) make the campaign finance statement filed by a candidate available for public inspection by:
 - (i)
 - (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and
 - (B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
 - (ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.
- (9)
- (a) If a candidate fails to timely file a campaign finance statement required under Subsection (3), the municipal clerk or recorder shall inform the appropriate election official who:
 - (i) 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
- (ii) may not count any votes for that candidate.
- (b) Notwithstanding Subsection (9)(a), a candidate who timely files each campaign finance statement required under Subsection (3) is not disqualified if:
- (i) the statement details accurately and completely the information required under Subsection (4), except for inadvertent omissions or insignificant errors or inaccuracies; and
 - (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
- (c) A candidate for municipal office who is disqualified under Subsection (9)(a) shall file with the municipal clerk or recorder a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.
- (10) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.
- (11)
- (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.
 - (b) In a civil action under Subsection (11)(a), the court may award costs and attorney fees to the prevailing party.