

SALT LAKE CITY ORDINANCE
No. 68 of 2015
(Campaign Financing Disclosure and Limitations)

An ordinance amending Sections 2.46.010 and 2.46.050 of the Salt Lake City Code, relating to definitions, contributions to candidates, and limitations.

WHEREAS, after several public hearings and other considerable public input, the City Council desires to amend Section 2.46.010 regarding definitions and Section 2.46.140 regarding political contributions.

NOW, THEREFORE, Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 2.46.010 of the Salt Lake City Code, relating to definitions, be, and the same hereby is, amended as follows:

2.46.010: DEFINITIONS:

For the purpose of this chapter the following words shall have the meanings as defined in this chapter:

BUMPER STICKER: A sign not exceeding four inches (4") in height or thirteen inches (13") in length affixed to any part (including the interior) of a motor vehicle.

CANDIDATE: Any person who:

- A. Files a declaration of candidacy for an elected office of the city;
- B. Receives contributions, makes 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 or her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates his or her intention to seek such office.

CONTRIBUTION: A. A gift, subscription, donation, loan, advance, or deposit of money or anything of value, including nonmonetary contributions such as in-kind contributions and contributions of tangible things, except a loan of money by a financial institution made in

accordance with the applicable financial institution laws and regulations and in the ordinary course of business, made for political purposes;

B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution described in subsection A of this definition;

C. A transfer of funds between a political committee and a candidate's personal campaign committee;

D. Compensation paid by a person other than the candidate's personal campaign committee for personal services of another person rendered without charge to the candidate or such candidate's personal campaign committee;

E. A coordinated expenditure; but

F. "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.

CONTRIBUTION ACCOUNT: A separate bank account of a hybrid committee existing for the purpose of financing contributions.

COORDINATED EXPENDITURE: Except as provided in the next sentence, an expenditure made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his or her personal campaign committee, or their agents. Coordinated expenditures include, but are not limited to, coordinated advertising on billboards and on taxicabs or other ground transportation vehicles as defined in section 5.71.010 of this code, but do not include a lawn sign, a sign on residential property, a bumper sticker, a handheld sign, a sign on the body of a person, a sign on a motor vehicle other than a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, or a sign in a part of a building that is not normally used for commercial advertising by a third party. An in-kind coordinated expenditure shall be valued at the usual and normal value of such expenditure, such as the value of the use of the advertising space on a billboard or "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code. In the case of a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, if a sign is located in a space that is not usually or normally used for advertising, the sign shall be treated as if it were rooftop advertising on a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, and its value shall be determined in the same manner that the value of such rooftop advertising is determined.

ELECTION: A general, special or primary election conducted by the city, including elections limited to referendums or bond issues.

ELECTION CYCLE: A. With respect to a general city election or a city primary election for an elective position, the four (4) year period that ends on the February 15 immediately following the next general city election for such elective position; and

B. With respect to an election to fill an unexpired term of office, the period that begins on the earlier of: 1) the day the vacancy occurs, or 2) the day the impending vacancy is publicly announced, and ends on the February 15 immediately following the next general city election for such elective position.

ELECTION YEAR: A calendar year during which a primary or general election is held or is scheduled to be held.

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

B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make an expenditure described in subsection A of this definition; or

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

HYBRID POLITICAL COMMITTEE: An entity or group of persons that represents in writing to the city recorder that it: (1) maintains a non-contribution account, (2) maintains a contribution account, (3) makes contributions only from its contribution account, and (4) allocates its administrative expenses between the non-contribution account and the contribution account in a manner that closely corresponds to the percentage of activity for each account.

INDEPENDENT EXPENDITURE: An expenditure on behalf of, or opposing the election of, any candidate, when such expenditure is made independently of the candidate or the candidate's personal campaign committee, or their agents, and when such expenditure is made without the prior consent or the collusion or cooperation of, and not at the request or suggestion of, the candidate or the candidate's personal campaign committee or their agents.

INDEPENDENT EXPENDITURES COMMITTEE: An person or entity that represents to the city recorder that it exists for the exclusive purpose of making independent expenditures and that it does not and will not make contributions, directly or indirectly, to a candidate or a 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 including, but not limited to, bond issues and referendums.

NON-CONTRIBUTION ACCOUNT: A separate bank account of a hybrid committee existing for the exclusive purpose of financing or making independent expenditures.

PARTY COMMITTEE: Any committee organized by or authorized by the governing body of a registered political party.

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

PERSONAL CAMPAIGN COMMITTEE: The committee appointed by a particular candidate to act for such candidate as hereinafter provided.

POLITICAL COMMITTEE: A group of persons cooperating to aid or promote the success or defeat of a candidate or issue, including the making of donations to a personal campaign committee. "Political committee" does not mean an individual, a personal campaign committee, an independent expenditures committee, a hybrid political committee with respect to its non-contribution account, individuals who are related and who make contributions from a joint checking account, an entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public, or a business entity using its own funds, except a business entity whose intended purpose is to act as a political committee.

POLITICAL PURPOSE: An act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the nomination or election of a candidate or the passage or defeat of any issue on the ballot at a municipal election.

PRIMARY ELECTION: Any primary election held pursuant to title 20A, Utah Code Annotated, or its successor.

REPORTING DATE: A. Ten (10) days before the election, for a campaign finance statement required to be filed not later than seven (7) days before a primary or general election conducted by the city;

B. The day of filing, for a campaign finance statement required to be filed not later than thirty (30) days after a primary or general election conducted by the city; and

C. Three (3) days before the filing date, for any other campaign finance statement required to be filed pursuant to this chapter.

SECTION 2. That Section 2.46.050 of the Salt Lake City Code, relating to contributions to candidates, and limitations be, and the same hereby is, amended as follows:

2.46.050: CONTRIBUTIONS TO CANDIDATES; LIMITATIONS:

- A. No person shall make contributions in coin or currency during any election cycle, as set forth in this chapter, to any candidate or such candidate's personal campaign committee, or to any political committee with respect to any election for city office, that exceed, in the aggregate, fifty dollars (\$50.00).
- B. No person shall make contributions during any election cycle, as set forth in this chapter, to any candidate or his or her personal campaign committee, or to any political committee with respect to any election for city office, that, in the aggregate, exceed the following amounts:

<u>Office</u>	<u>Amount</u>
Mayor	\$3,500.00
City council	750.00

At the beginning of each election cycle, the city recorder shall adjust to the nearest ten dollars the amounts in this subsection B by the percentage change in the consumer price index since the beginning of the previous election cycle and post the new amounts on the city's website. For purposes of this subsection, "consumer price index" means the consumer price index for all urban consumers, United States city average, that is published by the United States department of labor, bureau of labor statistics.

- C. The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a candidate or a personal campaign committee or a political committee shall be transmitted to the city treasurer for deposit in the general fund of the city. Each contributor of a contribution shall disclose to the personal campaign committee or political committee the name and address of such contributor.
- D. The limitations imposed by subsections A through C of this section shall not apply to contributions by a candidate of the candidate's own resources to the candidate's own campaign.
- E. Each candidate or the candidate's personal campaign committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution and may not deposit or mingle any contributions received into a personal or business account.

F. The candidate or the candidate's personal campaign committee may use the monies in campaign accounts only as follows:

1. For political purposes;
2. For expenses incurred in connection with duties of the individual as a holder of a city office;
3. For contributions to an organization described in section 170(c) of the internal revenue code of 1986 (26 USCS section 170(c));
4. For transfers to a national, state, or local committee of a political party;
5. For donations to federal, state, or local candidates; or
6. For any other lawful purpose unless prohibited by subsection G of this section.

G. A contribution shall not be converted by any person to personal use. For purposes of this subsection, a contribution or donation shall be considered to be converted to personal use if the contribution or donation is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or the individual's duties as an elected official of the city. For purposes of this subsection, it shall not be considered a conversion to personal use for a candidate or elected official of the city to use a contribution or donation to pay for the attendance of one guest at a social, entertainment, or other event related to political purposes or to the duties of the person as an elected official of the city.

H. It shall be unlawful for any person:

1. Who enters into any contract or seeks to enter into any contract with the city either for the rendition of personal services or furnishing any material, supplies, or equipment to the city or for selling any land or building to the city, if payment for the performance of the contract is to be made in whole or in part from city funds, at any time between the commencement of negotiations for the contract and the later of (A) the completion of performance under the contract or (B) the termination of negotiations for the contract, directly or indirectly to make any contribution to a candidate or personal campaign committee; or
2. Knowingly to solicit a contribution from any such person during any such period.

SECTION 3. That this ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this 8th day of December,

2015.


CHAIRPERSON

ATTEST:


CITY RECORDER

Transmitted to Mayor on December 15, 2015

Mayor's Action: X Approved. Vetoed.

ATTEST:


CITY RECORDER


MAYOR

(SEAL)



Bill No. 68 of 2015.

Published: December 24, 2015

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APPROVED AS TO FORM

Salt Lake City Attorney's Office

Date 12-14-15
Sign Boyd Ferguson
Print Boyd Ferguson