

# City of Ogden



## CANDIDATE GUIDE 2015





Management Services Department  
Recorder's Office

May 8, 2015

Dear Candidate:

Congratulations on your decision to run for elected office in Ogden City!

This Candidate Guide has been prepared to provide basic information you will need to know about the election process. I hope you will find it helpful.

The City Recorder's Office oversees the entire Ogden City election process, as well as the candidate filing process. Should you have any questions or need more information, please contact me at 629-8156 or visit my office in the Municipal Building, 2549 Washington Boulevard, Suite 210.

Best wishes for a successful campaign.

Sincerely,

A handwritten signature in blue ink that reads 'Tracy Hansen'. The signature is written in a cursive style.

Tracy Hansen, MMC  
Ogden City Recorder

# INDEX

<b>Letter to Candidate from Tracy Hansen, MMC – City Recorder</b> .....	1
<b>Ogden City Government Overview</b> .....	3
Mayor.....	3
City Council .....	4
Municipal Wards.....	4
Municipal Ward Map.....	5
<b>How to Become a Candidate</b> .....	6
Qualifications for Candidates .....	6
Qualifications for Write-in Candidates .....	6
Declaration of Candidacy .....	6
Declaration of Candidacy Form – Sample.....	8
Declaration of Candidacy Form – Write In Candidates – Sample .....	9
Pledge of Fair Campaign Practices – Sample.....	10
Statewide Electronic Voter Information Website .....	11
Registration of Personal Campaign Committee Form – Sample.....	12
Nominating Petition Form – Sample.....	13
Withdrawal of Candidacy Form – Sample .....	15
<b>Municipal Campaign Financial Reporting</b> .....	16
Personal Campaign Committee .....	16
Contributions .....	16
Financial Statements to be Filed.....	17
Financial Statement Format .....	17
Financial Statement Review .....	18
Failure to Comply – Penalties .....	18
Utah State Code Campaign Finance Requirements .....	19
Utah State Code 2015 Election Amendments .....	22
Utah State Code Personal Use Expenditure – Authorized and Prohibited Uses.....	24
Ogden City Municipal Campaign Finance Requirements.....	26
Report of Contributions & Expenditures – Sample .....	33
Report of Contributions for Amounts Greater than \$750 – Sample .....	38
<b>Campaign Regulations</b> .....	41
Electioneering.....	41
Posting of Political Signs on Public Property .....	41
Posting of Political Signs on Private Property.....	41
Political Activity by Ogden City Employees .....	41
<b>General Information</b> .....	43
Early Voting.....	43
Polling Places.....	43
Tally Sheets .....	43
By-Mail Ballots.....	43
Voter Registration.....	43
Voter Identification .....	44
Statewide Electronic Voter Information Website .....	45
Questions Regarding Municipal Elections.....	45
<b>Dates to Remember</b> .....	46
Filing Timeframe .....	46
Election Dates .....	46
Campaign Financial Disclosure Reports.....	46
Swearing In .....	47

## OGDEN CITY GOVERNMENT OVERVIEW

The optional form of government, known as the council-mayor form, was adopted by Ogden City in November 1990 and implemented on January 6, 1992. This form of government vests power in two separate, independent, and equal branches of municipal government: the executive branch, consisting of a full-time mayor, chief administrative officer, and administrative departments and offices and the legislative branch, consisting of a seven member council and staff. The mayor is elected at-large by the voters of Ogden City for a term of four years. Of the seven member council, one is elected from each of the four municipal wards and three are elected from the city at-large, all of whom are elected to four year terms.

Council terms are staggered so only four seats are up for election at one time, and the other three seats are up for election at the same time as the mayoral election. Ogden at-large candidates run for three distinct seats on the council: Seat A, Seat B, and Seat C. Unlike some other cities, which take the top vote-getters for the at-large seats, Ogden City takes the top vote-getter for each seat.

The seats which are up for election in 2015 include: Mayor, Municipal Ward 2, Municipal Ward 4, and At-Large Seat C. The term for these offices will be January 2016 through January 2020.

### Mayor

The Mayor is the chief executive officer of the City and is its official ceremonial head. The Mayor's powers and duties include, but are not limited to, the following:

- Supervise the administration and enforcement of all laws and ordinances of the City.
- Administer and exercise control of all departments, divisions, and offices within the City.
- Execute the policies adopted by the City Council as reflected by Council resolutions or by City ordinances which are consistent with State law.
- Supervise or coordinate the administrative functions of those authorities and agencies which are related to or affect City operations, such as the Redevelopment Agency.
- Authorize the issuance of executive orders or administrative rules and regulations for the general operations of the City, which are not in conflict with the laws of the State or City ordinances.
- Recommend the City Council adopt such measures as may be deemed necessary for the efficient and proper operation of the City.
- Attend all meetings of the City Council (although the Mayor may designate a representative when unable to attend).
- Prepare and submit to the City Council an annual budget and an annual report of the City's financial affairs within 180 days following the close of the City's fiscal year.
- Keep the City Council informed as to the financial condition of the City on a quarterly basis or at such other time intervals as the City Council may require by ordinance.
- Appoint a budget officer to serve in the place of the Mayor for the purpose of conformance with the requirements of the Uniform Municipal Fiscal Procedures Act.
- Supervise the purchase of materials or services and otherwise authorize expenditures of funds on behalf of the City subject to the requirements of statutes and ordinances.
- Make appointments to City committees, boards, commissions, or other advisory bodies in the City (subject to the advice and consent of the City Council on each separate prospective appointment), and remove the same.
- Except as otherwise provided, hire and make all appointments regarding department directors, officers, and agents (subject to the advice and consent of the City Council where required by State law) and discipline or terminate the same.
- Execute agreements within certified budget appropriations on behalf of the City or delegate, by written executive order, the power to execute such agreements to executive officials subject to the requirements of State law and City ordinance.
- Declare local emergencies and exercise those powers and duties necessary to protect life and property.
- Perform other duties as may be prescribed or permitted by law, including: issue proclamations, veto ordinances, tax levies and appropriations subject to Council veto override as provided by State law.

## City Council

The City Council is the legislative body of the City. The powers and duties of the Council include, but are not limited to, the following:

- Prescribe by ordinance general rules to be followed by the Mayor for the purchase, sale, or management of City property.
- Provide advice and consent to certain mayoral committee appointments as prescribed by ordinance. The Council may also prescribe the number and terms of the members, mode of appointment, and other details relating to the organization of the committee.
- Adoption of zoning classifications and reclassifications of property.
- Adoption of a General (Master) Plan for the City as well as Major Street Plan.
- Establish the manner by which subdivisions are approved or disapproved.
- Consider, amend, and approve or disapprove the City budget by ordinance.
- Approve or disapprove the transfer of encumbered funds from one department to another.
- May investigate the administration of city government and make suggestions and recommendations thereon.
- Provide advice and consent to the appointments of the City Recorder, City Treasurer, City Engineer, City Attorney, and other department heads.
- Initiate (with exception of the budget and administrative code) and adopt ordinances.
- Override mayoral veto of ordinances by reconsidering ordinances.
- Pass rules and regulations deemed necessary for the government of the Council, the preservation of order, and the transaction of business of the Council.
- The Council may organize itself into committees of the whole or into committees of fewer than the full seven council members and adopt rules to govern the manner in which committees are established.

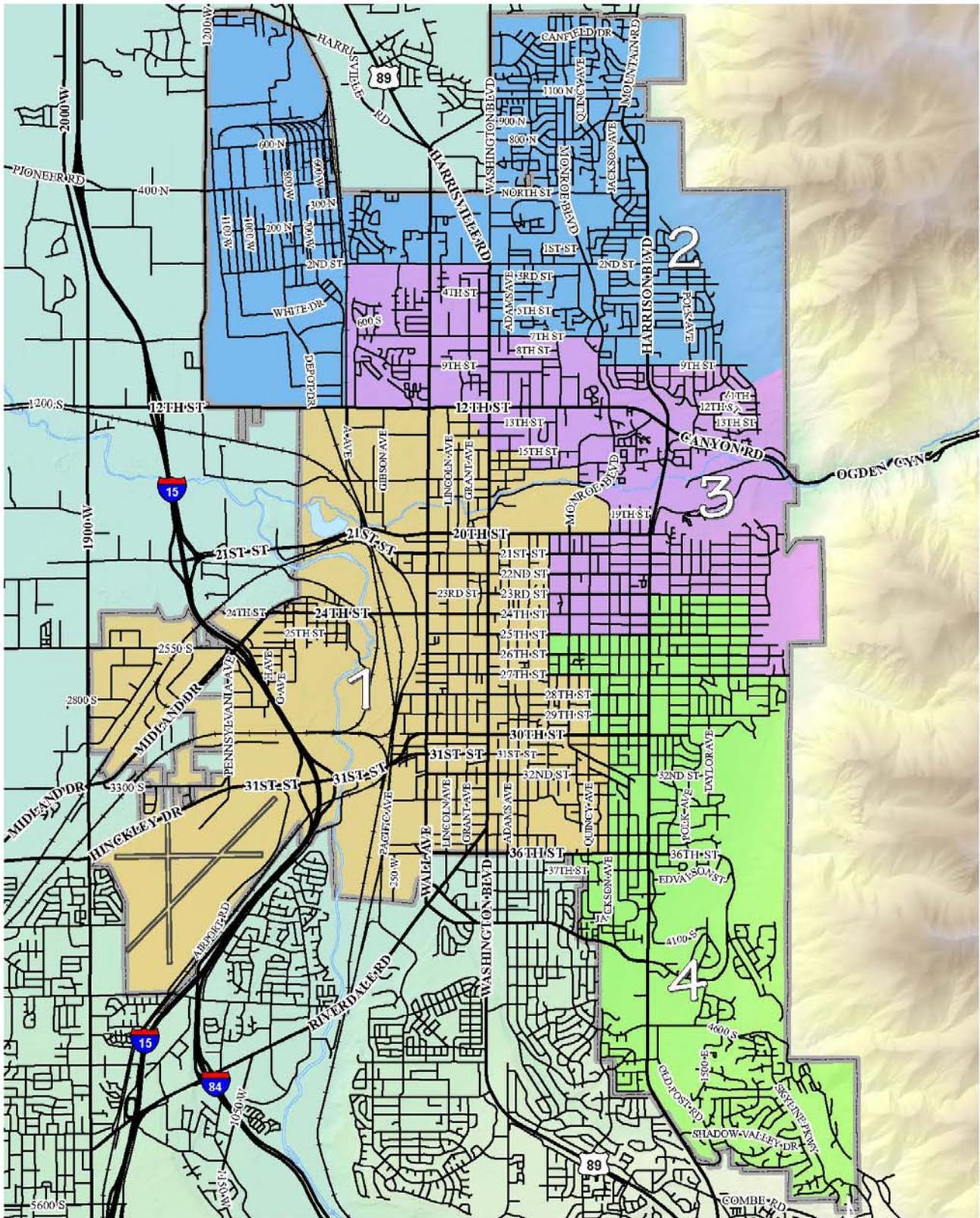
Regular meetings of the Council are held at 6:00 p.m. on the first, third, and fourth Tuesday of each month. On the second Tuesday, the Council performs the role of the Redevelopment Board at the monthly Redevelopment Agency meeting. The Council holds study sessions before each regular meeting at 5:30 p.m. to discuss the items on the agenda for the meeting that follows. In addition, the Council often conducts weekly work sessions to discuss upcoming issues and Council business. All meetings of the Council are held in compliance with the provisions of the Open and Public Meetings Act.

The Council elects a chair, who presides at all meetings and is recognized as the head of the Council for all legal and ceremonial purposes and a vice chair, who acts as the chair during the absence or disability of the chair and becomes the chair if a vacancy occurs. The chair and vice chair are elected at the first meeting in January for a term of one year.

## Municipal Wards

Ogden City is divided into four Municipal Wards for the purpose of the election of Ogden City council members. The boundaries of voting districts are established and determined by Weber County. The boundaries of the Municipal Wards are designated by the City Recorder and approved by the City Council. State law gives the governing body of the City the authority and responsibility to reapportion its Municipal Wards. Reapportionment is typically done following the census and is done in such a way as to achieve, as nearly as possible, equal population and compact form of Municipal Wards.

A map, which is certified by the City Council as the official map, shows the boundaries of the various Wards of Ogden City for the purpose of the election of City council members. The map is on file in the office of the City Recorder. A copy of the current map is included in this guide.



April, 2013

# Municipal Wards

UTAH  
**Ogden**  
It's all within reach.

## HOW TO BECOME A CANDIDATE

### Qualifications for Candidacy

Anyone wishing to file for candidacy must meet the following qualifications:

- Be a United States citizen at the time of filing;
- Be at least 18 years old;
- Be a registered voter of Ogden City;
- Be a resident of Ogden City or resident of a recently annexed area for a period of 12 consecutive months immediately preceding the date of election;
- If running as a candidate to be elected from a specific Municipal Ward, the candidate must have been an actual and bona fide resident of the Municipal Ward for at least 60 days immediately preceding the date of the election;
- Be mentally competent, have not been convicted of a felony, and have not been convicted of treason or a crime against the elective franchise, unless right to hold office has been restored pursuant to Utah Code Annotated § [20A-2-101](#), as amended.

Individuals filing as candidates for City Council or Mayor are required to pay a \$25 fee at the time of filing their candidacy with the City Recorder. This filing fee is refundable only if it is determined the person filing is not qualified to be a candidate or has improperly filed.

Candidates must file in person; however, a person may designate an agent to file the form in person for them if:

- the person is located outside the state during the filing period because:
  - of employment with the state or the United States; or
  - the person is a member of:
    - the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
    - the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
    - the National Guard on activated status;
- the person communicates with the filing officer using an electronic device that allows the person and the filing officer to see and hear each other; and
- the person provides the filing officer with an email address to which the filing officer may send candidate qualifications and copies of forms/information necessary to running for office.

Any resident of Ogden City may nominate a candidate by filing a “Nominating Petition” with the City Recorder (see page 13). The petition must be signed by 25 residents of Ogden City who are at least 18 years old or by 20% of the residents of Ogden City who are at least 18 years old, whichever is less. Those who sign need not be registered voters.

Each elected officer of the City shall maintain residency within the boundaries of the city during the term of office.

### Qualifications for Write-In Candidates

Anyone wishing to become a valid write-in candidate must meet the above qualifications and requirements and must file a Declaration of Candidacy no later than 60 days before the general election – September 4, 2015.

### Declaration of Candidacy

Candidates must file a “Declaration of Candidacy” form with the City Recorder (see page 8). Candidates may file in the City Recorder’s Office on any business day during the hours of 8:00 a.m. to 5:00 p.m. from June 1, 2015 to June 8, 2015.

Any candidate may withdraw candidacy by filing a “Withdrawal of Candidacy” form with the City Recorder any time up to 23 days before the election – October 12, 2015 (see page 15). *(Please note: Although October 12, 2015 is Columbus Day, Ogden City offices will be open for regular business hours.)*

Immediately following the filing deadline, the City Recorder will publish the names of candidates in the Standard-Examiner. Any “Declaration of Candidacy” or “Nominating Petition” will be deemed valid unless a written objection is filed with the City Recorder within five days after the last day for filing. If an objection is made, the City Recorder will immediately mail or personally deliver notice of the objection to the affected candidate and decide on any objection within 48 hours after it is filed. If the City Recorder sustains the objection, the candidate may correct the problem by either amending the declaration/nominating petition or filing a new declaration within three days after the objection is sustained. Objections may be filed for such things as whether a candidate meets residency requirements or is a registered voter.

Each candidate must file a “Registration of Personal Campaign Committee” form (see page 12) with the City Recorder indicating his/her personal campaign committee has been appointed or elected, and giving the name and address of each member and designating the secretary of the committee.

# DECLARATION OF CANDIDACY

of

\_\_\_\_\_

(Print name exactly as it is to be printed on the official ballot.)

I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of :

- Mayor
- Council Member – At-Large Seat C
- Council Member – Municipal Ward 2
- Council Member – Municipal Ward 4

I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_, City of Ogden, Weber County, Utah, Zip Code \_\_\_\_\_, telephone number \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is \_\_\_\_\_.

Website \_\_\_\_\_

Email address \_\_\_\_\_

Alt. phone (home/work/cell) \_\_\_\_\_

\_\_\_\_\_  
Signature (Must be signed in front of a Notary.)

Subscribed and sworn to before me by \_\_\_\_\_  
on this \_\_\_\_ day of June, 2015.

\_\_\_\_\_  
Notary Public

# DECLARATION OF CANDIDACY FOR WRITE-IN CANDIDATES

of

\_\_\_\_\_  
(Print name exactly as it is to be printed on the official ballot.)

I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of :

- Mayor
- Council Member – At-Large Seat C
- Council Member – Municipal Ward 2
- Council Member – Municipal Ward 4

I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_, City of Ogden, Weber County, Utah, Zip Code \_\_\_\_\_, telephone number \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is \_\_\_\_\_.

Website \_\_\_\_\_

Email address \_\_\_\_\_

Alt. phone (home/work/cell) \_\_\_\_\_

\_\_\_\_\_  
Signature (Must be signed in front of Notary.)

Subscribed and sworn to before me by \_\_\_\_\_,  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

## PLEDGE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Utah has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their right to a free election, and that the will of the people may be fully and clearly expressed on the issues.

### THEREFORE:

**I SHALL** conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents that I believe merit criticism.

**I SHALL NOT** use nor shall I permit the use of scurrilous attacks on any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in nor shall I permit the use of any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful, provable, and relevant to my campaign.

**I SHALL NOT** use nor shall I permit the use of any practice that tends to corrupt or undermine our American system of free elections, or that hinders or prevents the free expression of the will of the voters, including practices intended to hinder or prevent any eligible person from registering to vote or voting.

**I SHALL NOT** coerce election help or campaign contributions for myself or for any other candidate from my employees or volunteers.

**I SHALL** immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take firm action against any subordinate who violates any provision of this pledge or the laws governing elections.

**I SHALL** defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of Utah, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## State of Utah Electronic Voter Information Website

As directed in Utah Code section [20A-7-801](#), Utah's lieutenant governor hosts a statewide electronic voter information website. All candidates may submit statements of qualifications (no more than 200 words) and certain biographical information for inclusion on the website. The following biographical information may be listed:

- Age
- Occupation
- City of residence
- Years of residency in current city
- Email address
- Single website where voters may access more information

You can create an online profile page that will provide voters with information about you at [VOTE.UTAH.GOV](http://VOTE.UTAH.GOV). Hover your mouse over "Candidates and Parties" and then select "Enter Candidate Profile."

	<b>Submission Deadline</b>	<b>Passcode</b>
Primary Election	<b>June 29, 2015 – 5:00 p.m.</b>	VoteAugust2015
General Election	<b>September 4, 2015 – 5:00 p.m.</b>	VoteNovember2015

Candidate's profiles can be edited until the submission deadline. Once the deadline has passed, no changes may be made to a candidate's profile and no late submissions will be accepted.

The Lt. Governor's office will review and approve your profile page and link it to your name on the "Sample Ballot" found at [VOTE.UTAH.GOV](http://VOTE.UTAH.GOV).

No candidate profiles will appear on the website until **7 days** after the submission deadline.

Please contact the Office of the Lieutenant Governor with any questions.

Office of the Lieutenant Governor  
Utah State Capitol  
350 North State Street, Suite 220  
Salt Lake City, Utah 84114-2325

Phone: 801-538-1041  
Email: <mailto:elections@utah.gov>

### Note\*

The Lieutenant Governor shall review information submitted for inclusion on the Statewide Electronic Voter Information Website for compliance with law. The Lieutenant Governor may refuse to include information that is not in keeping with Utah Voter needs, public decency, or the purposes, organization or uniformity of the website (See Utah Code § [20A-7-801](#)-(4)(D)).

# REGISTRATION OF PERSONAL CAMPAIGN COMMITTEE

of

I, \_\_\_\_\_ herewith  
 appoint the following persons as my personal campaign committee pursuant to Section 1-8-2  
 of the Ogden Municipal Code.

NAME		COMPLETE MAILING ADDRESS	COMMITTEE POSITION

\_\_\_\_\_  
 Signature (Must be signed in front of a Notary.)

Subscribed and sworn to before me by \_\_\_\_\_ on  
 this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
 Notary Public

\*Completion of this form is not a Declaration of Candidacy and merely enables a potential candidate to begin collecting contributions and/or making expenditures for political purposes on behalf of a candidate.





# WITHDRAWAL OF CANDIDACY

of

\_\_\_\_\_

(Print name of Candidate)

I, \_\_\_\_\_, being first duly sworn, say that I reside at \_\_\_\_\_, City of Ogden, County of Weber, State of Utah; and that I am a qualified voter therein.

I hereby request that my name be removed from the official ballot for nomination to the office of:

- Mayor
- Council Member – At-Large Seat C
- Council Member – Municipal Ward 2
- Council Member – Municipal Ward 4

\_\_\_\_\_  
Signature (Must be signed in front of a Notary.)

Subscribed and sworn to before me by \_\_\_\_\_  
on this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

**Utah Code Annotated [20A-9-203](#)**

Any person who filed a declaration of candidacy, or any person who was nominated by a Nominating Petition, may at any time up to 23 days before the general election withdraw by filing this written affidavit with the City Recorder. That date is October 12, 2015.

*(Please note: Although October 12, 2015 is Columbus Day, Ogden City offices will be open for regular business hours.)*

## MUNICIPAL CAMPAIGN FINANCIAL REPORTING

The following summarizes Ogden City's campaign finance disclosure ordinance, Ogden City Code, [Title 1, Chapter 8](#). It is provided for informational purposes. To ensure compliance with specific provisions, please refer to the ordinance.

### Personal Campaign Committee

Each candidate must have a personal campaign committee. No contributions may be received or expenditures made for political purposes on behalf of a candidate except through a personal campaign committee. The committee may consist of one or more members, but no candidate may have more than one committee. A candidate individually may constitute the committee.

The personal campaign committee must be registered with the City Recorder. In order to be registered, a candidate or committee shall file a written statement signed by the candidate, which sets forth that the candidate's personal campaign committee has been appointed or elected and which gives the name and address of each member and the secretary of the committee (see page 12).

A personal campaign committee registered by a candidate after June 2, 2009 shall be deemed to endure in existence and shall remain subject to requirements per Ogden City Code [1-8-2](#) until it permanently ceases operations and notifies the City Recorder's Office of the termination of the committee (see Ogden City Code [1-8-4](#)). Any personal campaign committee registered before June 2, 2009 is deemed terminated and no longer subject to reporting requirements.

A candidate may revoke the selection of any member of a committee by filing a written revocation statement with the City Recorder. A committee member may voluntarily withdraw from a committee by filing a written notice of withdrawal with the City Recorder. A candidate may fill a committee vacancy by filing a written statement with the City Recorder.

The personal campaign committee must have a designated secretary. If the committee consists of only one person, such person is deemed the secretary. If the candidate acts as the personal campaign committee, the candidate is deemed the secretary.

### Contributions

Cash contributions in excess of \$50 from any person during any one reporting period are not allowed; however, contributions over \$50 may be contributed by a person if that contribution is made in the form of a personal or certified check or bank draft, or by means of a money order, debit card, credit card, PayPal or similar electronic financial transaction. No person shall make contributions to any candidate or his/her personal campaign committee with respect to any election cycle (primary and general combined) for City office that exceeds the following amounts: City Council - \$1,500.00 and Mayor - \$5,000.00. This does not apply to contributions by a candidate of the candidate's own resources to the candidate's own campaign.

Anonymous contributions are prohibited. Any anonymous contribution received by a candidate or personal campaign committee must be transmitted to the City Treasurer for deposit in the City's general fund.

Contributions may not be made in the name of another person or with another person's funds in his or her own name, and no candidate or campaign committee may knowingly accept such contributions.

Every advertisement or communication made for a political purpose by a personal campaign committee which is broadcast or published by means of television, radio, newspaper, commercial billboards, direct mailings, mass mailings, automatic telephone equipment, paid telephonists, leaflets, websites or fliers, shall contain a disclosure of the name of the personal campaign committee responsible for its broadcast or publication. This does not apply to campaign yard and street signs, bumper stickers, and pins.

Candidates or a candidate's personal campaign committee may use monies in campaign accounts only as follows:

- For political purposes;
- For expenses incurred in connection with duties of the individual as a holder of a city office;
- For contributions to an organization described in Section 170(c) of the Internal Revenue Code of 1986 (26 USCS Section 170(c));
- For transfers to a national, state, or local committee of a political party;
- For donations to federal, state, or local candidates; or
- For any other lawful purpose unless prohibited by the following:
  - A contribution shall not be converted to any person for personal use. A contribution or donation shall be considered to be converted to personal use if the contribution or donation is used in a manner that would cause the candidate or former candidate to recognize the monies as taxable income under federal tax law.

Changes to the definitions of political action committees and political issues committees, which include contributions to local candidates and local ballot propositions, were implemented during the 2013 Legislative Session. This means a group that contributes to local candidates or local issues, regardless if they contribute to state office candidates or state issues, could be considered a political action committee or a political issue committee and would be required to file the necessary paperwork with the Lieutenant Governor's office. Please call the Lieutenant Governor's office at 801-538-1041 or access [www.vote.utah.gov](http://www.vote.utah.gov) if there are any questions.

### Financial Statements to be Filed

*(Forms are available on the Ogden City website – [www.ogdencity.com](http://www.ogdencity.com))*

Each candidate or personal campaign committee must file with the City Recorder a "Report of Contributions & Expenditures for Candidates", signed by the candidate, by 5:00 p.m. on the following dates:

- **August 4, 2015** – Seven days before the date of the primary election if the candidate is involved in the primary election.
- Any contributions of \$750.00 or more made on or between August 4 and August 10, 2015 by 5:00 p.m. must be reported within 24 hours of the contribution.
- **August 31, 2015** – Twenty days after the primary election for ALL candidates, regardless of the outcome of the primary election.
- **October 27, 2015** – Seven days before the general election.
- Any contributions of \$750.00 or more made on or between October 27 and November 2, 2015 by 5:00 p.m. must be reported within 24 hours of the contribution.
- **December 3, 2015** – Not later than 30 days after the date of the general election.

In the event a committee has no contributions or expenditures during a reporting period, a financial statement ***must still be filed*** which states there were no contributions received or expenditures made. Candidates eliminated at a primary election must file a campaign financial statement, signed and verified by the candidate, not later than 20 days after the primary election – **August 31, 2015**.

For the reports of contributions received of \$750.00 or more during the seven days before each election, candidates need to remember to include these contributions in the accounting tabulations as required by the next required report.

Candidates eliminated at the general election must file a final campaign financial statement, signed and verified by the candidate, not later than 30 days after the general election (**December 3, 2015**).

### Financial Statement Format

The campaign financial statement ("Report of Contributions & Expenditures for Candidates") must include all expenditures and contributions received before the close of the reporting date (see pages 32-36). Each financial statement shall contain:

- A summary of contributions, expenditures, loans, and debts reported in previously filed financial statements.

- A list of each contribution in excess of \$50 received by the committee, the name and complete mailing address of each contributor, and the date on which each such contribution was received.
- An aggregate total of all contributions of \$50 or less received by the committee.
- A list of all expenditures made and obligations incurred but not paid during the reporting period, the name and complete mailing address of every recipient to whom disbursement was made, and the purposes of the expenditures made or obligation incurred.

Each statement must be certified by the secretary or by the candidate to the effect that all contributions and expenditures have been reported, and there are no bills or obligations outstanding and unpaid except as set forth in the report.

All personal campaign financial statements will be open to public inspection and available on both the city website and the Lieutenant Governor's website.

### Financial Statement Review

The City Recorder will inspect all financial statements and make them available for public inspection within one day after filing. If it appears that a candidate or personal campaign committee has failed to file a statement as required by law, or the statement filed does not conform to law, or if a written complaint is filed by a candidate or voter demonstrating that a statement does not conform to law, the City Recorder will notify the delinquent candidate or personal campaign committee in writing requesting compliance with the law. Such notices may be delivered in person to the candidate or secretary of the personal campaign committee or to a person of suitable age and discretion at the address of the candidate or secretary of the committee or by certified mail to the candidate or secretary of the personal campaign committee.

### Failure to Comply – Penalties

Upon the failure of any personal campaign committee or candidate to file a financial statement within two days after first receiving written notice or if the City Recorder questions the accuracy or completeness of such statement, the City Recorder may request an examination of all books and records of such committee or candidate. Such books and records must be produced by the candidate or personal campaign committee for inspection by the City Recorder within one day after the request for examination is received.

If a candidate or personal campaign committee fails to file or correct a statement within two days after receiving notice, or if an inspection of records discloses a violation, the City Recorder shall notify the City Attorney and shall furnish copies of all papers and other information in the City Recorder's possession relating thereto. The filing of a corrected financial statement by a candidate or personal campaign committee within two (2) days after receiving notice shall be deemed to cure any inadvertent or insignificant omission, error or inaccuracy in a previously filed statement that is corrected but shall not be deemed to cure a willful or knowing falsification or omission.

If a candidate or the candidate's personal campaign committee fails to file the campaign finance statement due seven (7) days before the General Election, the City Recorder shall inform the appropriate election official who shall remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters (if practicable), or inform the voters by any practicable method that the candidate has been disqualified and that votes cast for that candidate will not be counted.

The Oath of Office will not be administered and a Certificate of Election will not be issued to any successful candidate until the candidate's personal campaign committee has filed the required financial disclosure statements. No person may assume the duties of office until the required financial statements have been filed, nor may a person receive any salary or fees for any period prior to the filing of the required statements. Any person violating the provisions of the law is guilty of an infraction, and no person convicted shall be permitted to take or hold the office to which the person was elected, if any, or receive any salary or fees thereof.

**UTAH STATE CODE 10-3-208**

**Campaign finance disclosure in municipal election.** *Includes changes made by House Bill 32 regarding Local Government Disclosure and Campaign Finance (effective May 12, 2015).*

(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) (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.
- (c) (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.
- (d) "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.
- (e) (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.
- (f) "In-kind contribution" means anything of value other than money that is accepted by or coordinated with a candidate.
- (g) (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)(g)(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.
- (h) "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.
- (i) "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](#).
- (j) "Reporting limit" means for each calendar year:
- (i) \$50; or
- (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.
- (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) and (4).
- (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) and (4).
- (3) (a) Each candidate [for municipal office]:
- (i) shall deposit a [campaign] 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) 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.
- (c) 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 30 days after the day on which the municipal primary election is held.
- (4) Each campaign finance statement under Subsection (3)(b) or (c) shall:
- (a) except as provided in Subsection (4)(b):
- (i) report all of the candidate's itemized and total: **Please note Ogden City Code is more stringent than Utah Code in this area (see page 28).**
- (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 that exceeds the reporting limit, the amount of the contribution and the name of the donor;
- (B) the aggregate total of all contributions that individually do not exceed the reporting limit; and

- (C) 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) (a) A municipality may, by ordinance:
- (i) provide a reporting limit lower 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 (5)(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 (6).
- (6) 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.
- (7) 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.
- (8) (a) If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified in Subsection (3)(b)(i), 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 (8)(a), a candidate who files a campaign finance statement seven days before a municipal general election 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.
- (9) 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.
- (10)(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 (10)(a), the court may award costs and attorney fees to the prevailing party.

**UTAH STATE CODE 2015 AMENDMENTS****Senate Bill 137S3 implemented the following changes regarding Municipal Campaign and Financial Reporting Requirements.**

**Section 20A-11-105** is enacted to read:

20A-11-105. Deadline for payment of fine.

A person against whom the lieutenant governor imposes a fine under this chapter shall pay the fine within 30 days after the day on which the lieutenant governor imposes the fine.

**Section 20A-11-1204** is amended to read:

20A-11-1204. Criminal penalty.

Each public official who violates Section 20A-11-1203 is guilty of a class B misdemeanor.

**Section 20A-11-1205** is enacted to read:

20A-11-1205. Use of public email for a political purpose.

(1) Except as provided in Subsection (5), a person may not send an email using the email of a public entity, for a political purpose or to advocate for or against a ballot proposition.

(2) The applicable election officer shall impose a civil fine against a person who violates Subsection (1) as follows:

(a) up to \$250 for a first violation; and

(b) except as provided in Subsection (3), or each subsequent violation committed after any applicable election officer imposes a fine against the person for a first violation, \$1,000 multiplied by the number of violations committed by the person.

(3) The applicable election officer shall consider a violation of this section as a first violation if the violation is committed more than seven years after the day on which the person last committed a violation of this section.

(4) For purposes of this section, one violation means one act of sending an email, regardless of the number of recipients of the email.

(5) A person does not violate this section if the lieutenant governor finds that the email described in Subsection (1) was inadvertently sent, as a reply to an email received by the person described in Subsection (1), using the email of a public entity.

(6) A violation of this section does not invalidate an otherwise valid election.

**Section 20A-11-1206** is enacted to read:

20A-11-1206. Exclusions.

(1) Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.

(2) Nothing in this chapter prohibits a public entity from providing factual information about a ballot proposition to the public, so long as the information grants equal access to both the opponents and proponents of the ballot proposition.

(3) Nothing in this chapter prohibits a public entity from the neutral encouragement of voters to vote.

(4) Nothing in this chapter prohibits an elected official from campaigning or advocating for or against a ballot proposition.

**UTAH STATE CODE 10-3-209**

**Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.** *Includes changes made by House Bill 32 regarding Local Government Disclosure and Campaign Finance (effective May 12, 2015).*

(1) Unless a municipality adopts by ordinance more stringent definitions, the following are defined terms for the purposes of this section:

- (a) "Candidate" means a person who:
  - (i) files a declaration of candidacy for municipal office; or
  - (ii) 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 public office.
- (b) "Officeholder" means a person who is elected to and currently holds a municipal office.
- (c) (i) "Personal use expenditure" means an expenditure that:
  - (A) is not excluded from the definition of personal use expenditure by Subsection (2) and primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder; or
  - (B) would cause the candidate or officeholder to recognize the expenditure as taxable income under federal law.
- (ii) "Personal use expenditure" includes:
  - (A) a mortgage, rent, utility, or vehicle payment;
  - (B) a household food item or supply;
  - (C) clothing, except for clothing bearing the candidate's name or campaign slogan or logo and that is used in the candidate's campaign;
  - (D) an admission to a sporting, artistic, or recreational event or other form of entertainment;
  - (E) dues, fees, or gratuities at a country club, health club, or recreational facility;
  - (F) a salary payment made to a candidate, officeholder, or a person who has not provided a bona fide service to a candidate or officeholder;
  - (G) a vacation;
  - (H) a vehicle expense;
  - (I) a meal expense;
  - (J) a travel expense;
  - (K) a payment of an administrative, civil, or criminal penalty;
  - (L) a satisfaction of a personal debt;
  - (M) a personal service, including the service of an attorney, accountant, physician, or other professional person;
  - (N) a membership fee for a professional or service organization; and
  - (O) a payment in excess of the fair market value of the item or service purchased.

(2) As used in this section, "personal use expenditure" does not mean an expenditure made:

- (a) for a political purpose;
- (b) for candidacy for public office;
- (c) to fulfill a duty or activity of an officeholder;
- (d) for a donation to a registered political party;
- (e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;
- (f) to return all or a portion of a contribution to a donor;
- (g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:
  - (i) (A) a mileage allowance at the rate established by the Division of Finance under Section [63A-3-107](#); or
  - (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);
  - (ii) a meal expense
  - (iii) a travel expense, including an expense incurred for airfare or a rental vehicle;
  - (iv) a payment for a service provided by an attorney or accountant;
  - (v) a tuition payment or registration fee for participation in a meeting or conference;

- (vi) a gift;
  - (vii) a payment for the following items in connection with an office space:
    - (A) rent;
    - (B) utilities;
    - (C) a supply; or
    - (D) furnishing;
  - (viii) a booth at a meeting or event; or
  - (ix) educational material;
  - (h) to purchase or mail informational material, a survey, or a greeting card;
  - (i) for a donation to a charitable organization, as defined by Section [13-22-2](#), including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section [13-22-2](#);
  - (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
  - (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
  - (l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community; or
  - (m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2).
- (3) (a) A municipality may adopt an ordinance prohibiting a personal use expenditure by a candidate with requirements that are more stringent than the requirements provided in Subsection (4).
- (b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1) or (2).
- (c) If a municipality fails to adopt a personal use expenditure ordinance described in Subsection (3)(a), a candidate shall comply with the requirements contained in Subsection (4).
- (4) A candidate or an officeholder may not use money deposited into a campaign account for:
- (a) a personal use expenditure; or
  - (b) an expenditure prohibited by law.
- (5) A municipality may enforce this section by adopting an ordinance:
- (a) to provide for the evaluation of a campaign finance statement to identify a personal use expenditure; and
  - (b) to commence informal adjudicative proceedings if, after an evaluation described in Subsection (5)(a), there is probable cause to believe that a candidate or officeholder has made a personal use expenditure.
- (6) If, in accordance with the proceedings described in Subsection (5)(b) established in municipal ordinance, a municipality determines that a candidate or officeholder has made a personal use expenditure, the municipality:
- (a) may require the candidate or officeholder to:
    - (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the municipality; and
    - (ii) deposit the amount of the personal use expenditure into the campaign account from which the personal use expenditure was disbursed; and
  - (b) shall deposit the money received under Subsection (6)(a)(i) into the municipal general fund.

**OGDEN MUNICIPAL CODE [Chapter 8](#)****Campaign Financing Disclosure****1-8-1: DEFINITIONS:**

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

**ADDRESS:** An address of a person shall include: a) the physical street address at which the person resides or does business, or at which its chief administrative or financial officer resides or does business, or b) the mailing address of the person at which the person commonly receives its mail. Any address reported pursuant to this chapter shall be a complete address, with sufficient information required by the U.S. postal service to accomplish mail delivery to the address.

**CANDIDATE:** Any person who:

- A. Files a declaration of candidacy for an elected office of the city; or
- B. Receives contributions or 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 an intention to seek such office.

**CONTRIBUTIONS:**

- A. Contributions shall include:
  1. A gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value;
  2. A contract to make a contribution;
  3. A transfer of funds from a political action committee, a party committee, another candidate, an office holder, or a personal campaign committee to a candidate or a candidate's personal campaign committee;
  4. A payment for the personal services of another person by a person other than the candidate's personal campaign committee for services rendered to the candidate or such candidate's personal campaign committee; and
  5. Goods or services provided at less than fair market value to or for the benefit of a candidate or a candidate's personal campaign committee.
- B. Contributions shall not include:
  1. Personal services provided without compensation by individuals volunteering their time on behalf of a candidate or such candidate's personal campaign committee; or
  2. A loan of money by a national or state bank or financial institution made in accordance with the applicable banking laws and regulations and in the ordinary course of business.

**ELECTION:** A general or primary election conducted by the city.

**ELECTION CYCLE:** An election cycle shall include:

- A. With respect to a general election or a primary election for a city elective position, the four (4) year period that ends thirty (30) days immediately following the general election for such elective position; and
- B. With respect to a city 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 thirty (30) days immediately following the general election for such elective position.

**EXPENDITURE:** An expenditure shall include:

- A. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate;
- B. A contract to make any expenditure;
- C. A transfer of funds by a candidate or a personal campaign committee to another candidate, another candidate's personal campaign committee or a political action committee;

- D. Goods or services provided to or for the benefit of another candidate, another candidate's personal campaign committee, or a political action committee for political purposes at less than fair market value.

**NAME:** The name of a person required to be reported shall include:

- A. In the case of a natural person, the first and last name of the person.
- B. In the case of an organization, the legal name of the organization or the common name by which the organization is known to the general public or its clients.

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

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

**POLITICAL ACTION COMMITTEE:** An entity, or any group of individuals or entities that constitute a political action committee as defined by Utah Code Annotated Section [20A-11-101](#), as amended. That subsection defines a political action committee as follows:

- A. Political action committee means an entity, or any group of individuals or entities within or outside this state, that solicits or receives contributions from any other person, group, or entity or makes expenditures:
  - 1. For political purposes; or
  - 2. 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 for a municipal or county office.
- B. Political action committee includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or make expenditures for political purposes.
- C. Political action committee does not mean:
  - 1. A party committee;
  - 2. Any 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;
  - 3. An individual;
  - 4. Individuals who are related and who make contributions from a joint checking account;
  - 5. A corporation; or
  - 6. A personal campaign committee.

**POLITICAL PURPOSE:** An act done with intent or in such way as to influence or tend to influence, directly or indirectly, the election of a candidate at a municipal election.

**PRIMARY ELECTION:** Any primary election held pursuant to Utah Code Annotated title 20A, or its successor, and/or any election held prior to the general election as provided by Utah Code Annotated title 20A, 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. Three (3) days before the filing date, for any other campaign finance statement required to be filed pursuant to this chapter.

**REPORTING PERIOD:** The period beginning from the date of either the first contribution or the first expenditure in an election cycle, or since the reporting date of the last filed financial statement, if any, and the reporting date of a financial statement to be filed.

**1-8-2: PERSONAL CAMPAIGN COMMITTEE:**

- A. Required: No person or persons shall receive any contributions on behalf of a candidate for elected office of the city or make any expenditures for political purposes for the candidate either directly or indirectly other than through a personal campaign committee, whose authority to act shall be filed as provided by this chapter.
- B. Appointment: A candidate shall appoint no more than one personal campaign committee to consist of one or more persons, or the candidate individually who may constitute the committee.
- C. Contributions; Secretary: No candidate shall solicit contributions or authorize expenditures in furtherance of his or her candidacy except through such candidate's personal campaign committee. If the personal campaign committee consists of only one person, such person is deemed the secretary. If the candidate acts as personal campaign committee, the candidate is deemed the secretary.
- D. Registration: Before the personal campaign committee makes any expenditure for political purposes on behalf of the candidate, or incurs any obligation, express or implied, to make an expenditure in the candidate's behalf, the candidate or committee shall register the committee by filing with the city recorder a written statement, signed by the candidate setting forth that the candidate's personal campaign committee has been appointed or elected, and giving the name and address of each member and the secretary of the committee.
- E. Changes; Withdrawal: Any candidate may revoke the selection of any member of such candidate's personal campaign committee by a revocation in writing filed with the city recorder. Any individual may voluntarily withdraw from a committee by filing a written notice with the city recorder. The date of withdrawal is the date the notice is received by the city recorder. A candidate may fill any vacancy. A candidate shall be deemed the secretary until a replacement is appointed.
- F. Endurance of Committees: A personal campaign committee registered by a candidate after June 2, 2009, shall be deemed to endure in existence, and shall remain subject to the requirements of this chapter, until it permanently ceases operations and files a termination report. Any personal campaign committee registered before June 2, 2009, shall for purposes of this chapter be deemed to have terminated on or before June 2, 2009, without the necessity of filing a termination report.

**1-8-3: CONTRIBUTIONS TO CANDIDATES:**

- A. Cash Limitation: No person shall make cash contributions during any one reporting period as set forth in this chapter, to any candidate or his or her authorized personal campaign committee with respect to any election for city office, which exceeds fifty dollars (\$50.00); however, except as provided in subsection B of this section, there shall be no limit as to the amount contributed by a person to a personal campaign committee or a political action committee if that contribution is made in the form of a personal or certified check or bank draft, or by means of a money order, debit card, credit card, PayPal or similar electronic financial transaction.
- B. Contribution Limitation: No person shall make contributions during any election cycle (primary and general combined), as set forth in this chapter, to any candidate or his or her personal campaign committee with respect to any election for city office, that, in the aggregate, exceed the following amounts:

<u>Office</u>	<u>Amount</u>
Mayor	\$5,000.00
City Council	\$1,500.00

- C. Anonymous: The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a candidate or personal campaign committee shall be transmitted to the city treasurer for deposit in the general fund.
- D. Candidate Contributions: 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. In Name Of Another: No person shall make a contribution in the name of another person or make a contribution with another person's funds in his or her own name, and no candidate, member of a personal campaign committee, or political action committee shall knowingly accept a contribution made by one person in the name of another person or made by one person with the funds of another person.
- F. Advertisement Disclosures: Every advertisement or communication made for a political purpose by a personal campaign committee which is broadcast or published by means of television, radio, newspaper, commercial billboards, direct mailings, mass e-mails, automatic telephone equipment, paid telephonists, leaflets, websites or fliers, shall contain a disclosure of the name of the personal campaign committee responsible for its broadcast or publication; except, this requirement shall not apply to campaign yard and street signs, bumper stickers and pins.
- G. Permitted Uses of Campaign Funds: 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 charitable contributions defined 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 H of this section.
- H. Personal Use; Prohibition: 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 in a manner that would cause the candidate or former candidate to recognize the monies as taxable income under federal tax law.

**1-8-4: FINANCIAL STATEMENTS: (Please note Ogden City Code is more stringent than Utah Code in this area)**

- A. Forms: Forms for all statements required by this chapter shall be prepared by the city recorder and copies thereof, together with a copy of this chapter, shall be furnished by the city recorder to the secretary of every committee and to every candidate without charge.
- B. Filing; Dates: Each candidate or personal campaign committee shall file with the city recorder a verified financial statement containing the information required in this chapter, by five o'clock (5:00) P.M., on the following dates:
  1. Seven (7) days before the date of the primary election, if the candidate is involved in the primary election;
  2. Twenty (20) days after the date of the primary election;
  3. Seven (7) days before the general election; and
  4. No later than thirty (30) days after the date of the general election.

Notwithstanding the foregoing provisions of this subsection B, the personal campaign committee for a candidate shall be required to file a campaign finance statement on the dates specified in this subsection only during an election year in which the elective office that such candidate seeks is open for election.

- C. Seven Day Period: During the seven (7) day period before any election, each personal campaign committee or candidate shall file with the city recorder a campaign finance statement disclosing each contribution over seven hundred fifty dollars (\$750.00) within twenty four (24) hours after receipt of each such contribution. Such statement shall contain the information required by subsection E2 of this section.

- D. **Candidates Eliminated:** Candidates for elective office who are eliminated at a primary election shall file a campaign financial statement, signed and verified by the candidate, containing the information required by this section not later than twenty (20) days after the primary election.
- E. **Contents; Reporting Date:** The statement shall contain all expenditures and contributions within the reporting period that are received before the close of the reporting date. Each financial statement shall contain:
1. The sum totals of contributions, expenditures, loans and debts reported in previously filed financial statements within the election cycle;
  2. A list of each contribution in excess of fifty dollars (\$50.00) received by the committee, the amount of the contribution, the name and address of each contributor, and the date on which each such contribution was received;
  3. An aggregate total of all contributions of fifty dollars (\$50.00) or less received by the committee; and
  4. A list of all expenditures made and obligations incurred but not paid during the reporting period, the name and address of every recipient to whom disbursement was made, and the purposes of the expenditure made or obligation incurred.
- F. **Multiple Election Cycles; Committee Disclosures:** A personal campaign committee that endures beyond an election cycle and whose candidate files a declaration of candidacy in a new election cycle, shall include within its initial campaign finance statement required in the new election cycle a report of all of its campaign contributions, expenditures, loans and debts that have occurred since the reporting date of the last previously filed campaign finance statement of the committee or candidate.
- G. **Termination Report:** In the event a personal campaign committee has permanently ceased operations, the candidate or committee shall file a termination report with the city recorder certifying that the personal campaign committee has permanently ceased operations. The termination report shall include a final campaign finance statement setting forth all campaign contributions, expenditures, loans and debts that have occurred since the reporting date of the last previously filed campaign finance statement of the candidate or committee. The campaign finance statement shall state the amount of any surplus funds and the name and address of any recipient of such surplus funds, and shall identify any debt which was paid or compromised and the name and address of any person to whom any debt was paid or compromised.
- H. **Certification:** Each statement shall be certified by the secretary or by the candidate to the effect that all contributions and expenditures not heretofore reported have been reported and that there are no bills or obligations outstanding and unpaid except as set forth in the report.
- I. **No Contributions or Expenditures:** In the event the committee had no contributions or expenditures during the reporting period, the statement shall state that no contributions have been received nor any expenditures made.
- J. **Political Action Committees:** Political action committees are required to register and file verified financial statements with the lieutenant governor's office pursuant to Utah Code Annotated sections [20A-11-601 to 20A-11-603](#), as amended.

#### **1-8-5: CITY RECORDER DUTIES:**

- A. **Notice to Candidates:** The city recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again fourteen (14) days before each municipal general election, notify the candidate in writing of:
1. The provisions of statute or municipal ordinance governing the disclosure of campaign contributions and expenditures;
  2. The dates when the candidate's campaign finance statements are required to be filed; and
  3. The penalties that apply for failure to file a timely campaign finance statement, including the statutory and ordinance provisions that require removal of the candidate's name from the ballot for failure to file the required campaign finance statements when required.
- B. **Records Availability:** Notwithstanding any provision of the Government Records Access and Management Act, [Title 63G, Chapter 2](#), Utah Code Annotated, the city recorder shall:

1. 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
2. Make the campaign finance statement filed by a candidate available for public inspection by:
  - a. (1) Posting an electronic copy or the contents of the statement on the municipality's website no later than seven (7) business days after the statement is filed; and  
(2) 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\(5\)](#), Utah Code Annotated; or
  - b. 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](#), Utah Code Annotated, no later than two (2) business days after the statement is filed.

#### **1-8-6: FAILURE TO FILE; INACCURATE OR INCOMPLETE:**

- A. Failure to File: If a candidate or the candidate's personal campaign committee fails to file a campaign finance statement due seven (7) days before the general election, the city recorder shall inform the appropriate election official who:
  1. 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
  2. May not count any votes for that candidate.
- B. Inadvertent And Insignificant Errors: Notwithstanding subsection A of this section, a candidate who files a campaign finance statement seven (7) days before a general election is not disqualified if:
  1. The statement details accurately and completely the information required under section [1-8-4](#) of this chapter, except for inadvertent omissions or insignificant errors or inaccuracies; and
  2. The omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
- C. Inspection; Written Notice: The city recorder shall inspect all financial statements within one day after the same are filed. If it appears that any candidate or personal campaign committee has failed to file a statement as required by law or if it appears that the statement does not conform to law, or upon complaint in writing by a candidate or by a voter demonstrating that a statement filed does not conform to law, the city recorder shall notify the delinquent personal campaign committee or candidate, in writing, requesting compliance with this chapter. Written notice as required herein may be given in the following manner:
  1. Delivery, in person, to the candidate or the secretary of the personal campaign committee;
  2. Delivery to a person of suitable age and discretion at the address of the candidate or the address of the secretary of the personal campaign committee, as indicated in the registration form for the personal campaign committee as required under subsection [1-8-2D](#) of this chapter; or
  3. By certified mail, mailed to the candidate or the secretary of the personal campaign committee at the address as indicated in the registration form for the personal campaign committee as required under subsection [1-8-2D](#) of this chapter.
- D. Examination Of Books And Records: Upon the failure of any personal campaign committee or candidate to file a statement, within two (2) days after first receiving written notice under subsection C of this section, or, if in the exercise of reasonable discretion, the city recorder questions the accuracy or completeness of such statement, the city recorder may request an examination of all books and records of such committee or person. Such books and records shall be produced by the candidate or personal campaign committee for inspection by the city recorder within one day after request for examination is received.
- E. Violation; Notification To City Attorney: If a personal campaign committee or candidate fails to file or correct a statement within two (2) days after receiving notice under subsection C of this section, or, if any statement filed discloses a violation of this chapter, or, if the inspection of records discloses a violation of this chapter, the city

recorder shall notify the city attorney and shall furnish the city attorney copies of all papers and other information in the city recorder's possession relating thereto.

- F. **Filing Corrected Financial Statement:** The filing of a corrected financial statement by a candidate or personal campaign committee within two (2) days after receiving notice pursuant to subsection C of this section shall be deemed to cure any inadvertent or insignificant omission, error or inaccuracy in a previously filed statement that is so corrected, but shall not be deemed to cure a willful or knowing falsification or omission.

**1-8-7: UNLAWFUL ACTS DESIGNATED:**

- A. **Oath Of Office Prior To Filing Statement:** It is unlawful to administer the oath of office, or to issue a certificate of election to any candidate for the offices of mayor or council member until the candidate's personal campaign committee has filed the financial disclosure statements as required by this chapter, or its successor, which statements shall be complete upon their face and show compliance to the provisions of this chapter, and no person shall enter upon the duties of the office until the personal campaign committee has filed the required statements, nor shall any salary or fees be received by that person for a period prior to filing of the statements.

**1-8-8: PENALTY:**

- A. It shall be an infraction, punishable as provided by section [1-4A-1](#) of this title, or its successor, for any person to violate any provision of this chapter or to fail to file when due any required campaign finance statement or report specified in this chapter or to knowingly or willfully falsify or omit any information required by any of the provisions of this chapter.
- B. A private party in interest may bring a civil action in district court to enforce the provisions of this chapter. In accordance with section 10-3-208, Utah Code Annotated, in such a civil action, the court may award costs and attorney fees to the prevailing party.

# FIRST REPORT OF CONTRIBUTIONS & EXPENDITURES FOR CANDIDATES

Name of Candidate \_\_\_\_\_

Street Address \_\_\_\_\_

City of Ogden, Weber County, Utah, Zip Code \_\_\_\_\_

Candidate for:

- Mayor
- Council Member – At-Large Seat C
- Council Member – Municipal Ward 2
- Council Member – Municipal Ward 4

For contributions received and expenditures made from **first contribution or expenditure to August 1, 2015.**

## REPORT VERIFICATION (Due with each report)

I, \_\_\_\_\_, as  Candidate/  Secretary of Campaign Committee of the aforesaid personal campaign committee, being duly sworn, say the foregoing is a full and true statement of account of all contributions made or received by the committee, and of the disposition thereof made and all liabilities incurred by the committee, to my knowledge; and that all contributions and expenditures not heretofore reported have been reported; and that there are no bills or obligations outstanding and unpaid except as set forth in the report.

Signature of Candidate/Secretary of Committee  
(Must be signed in front of a Notary.)

Subscribed and sworn to before me by \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2015.

\_\_\_\_\_  
Notary Public

REPORT DUE DATE: **August 4, 2015 (by 5:00 p.m.)**

# CANDIDATE CAMPAIGN FINANCIAL STATEMENT SUMMARY SHEET

Name of Candidate \_\_\_\_\_

Street Address \_\_\_\_\_

City of Ogden, Weber County, Utah, Zip Code \_\_\_\_\_

Candidate for:

Mayor

Council Member – At-Large Seat C

Council Member – Municipal Ward 2

Council Member – Municipal Ward 4

1	<b>Balance carried forward from last report.</b> (Summary of contributions, expenditures, loans & debts reported in previously filed financial statement.)		\$
2	<b>Total of all contributions of \$50 or less during this reporting period.</b> (From the table in Attachment A.)	\$	
3	<b>Total of contributions from donors who gave more than \$50 during this reporting period.</b> (From the table in Attachment A.)	\$	
4	<b>Total contributions as of this report.</b> (Add lines 2 and 3.)		\$
5	<b>Total expenditures made or obligations incurred during this reporting period.</b> (From the table in Attachment B.)		\$
6	<b>BALANCE AT THE END OF REPORTING PERIOD.</b> (Add lines 1 and 4, then deduct line 5 for the balance.)		\$

REPORT DUE DATE: **August 4, 2015 (by 5:00 p.m.)**

Attachment A

## CONTRIBUTIONS RECEIVED

DATE RECEIVED	NAME	COMPLETE ADDRESS*	AMOUNT	PURPOSE
<b>TOTAL</b>				

\*Complete address required  
(Attach additional sheets if necessary)

Attachment B

## CAMPAIGN EXPENDITURES

DATE OF EXPENDITURE	DISBURSED TO	COMPLETE ADDRESS*	AMOUNT	PURPOSE
<b>TOTAL</b>				

\*Complete address required  
(Attach additional sheets if necessary)

## INSTRUCTIONS/DIRECTIONS

### Contribution means:

1. A gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value.
2. A contract to make a contribution.
3. A transfer of funds from a political committee, a party committee, another candidate, an officeholder, or a personal campaign committee to a candidate or a candidate's personal campaign committee.
4. A payment for the personal services of another person by a person other than the candidate's personal campaign committee for services rendered to the candidate or such candidate's personal campaign committee.
5. Goods or services provided at less than fair market value to or for the benefit of a candidate or a candidate's personal campaign committee.

### Contribution does not mean:

1. Personal services provided without compensation by individuals volunteering their time on behalf of a candidate or such candidate's personal campaign committee.
2. A loan of money by a national or state bank or financial institution made in accordance with the applicable banking laws and regulations and in the ordinary course of the business.

### Expenditure means:

1. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate.
2. A contract to make any expenditure.
3. A transfer of funds by a candidate or a personal campaign committee to another candidate, another candidate's personal campaign committee or a political committee.
4. Goods or services provided to or for the benefit of another candidate, another candidate's personal campaign committee, or a political committee for political purposes at less than fair market value.

### **NOTE:**

- The name of a person required to be reported shall include: (A) in the case of a natural person, the first and last name of the person; (B) in the case of an organization, the legal name of the organization or common name by which the organization is known to the general public or its clients.
- The address of a person shall include: (1) the physical street address at which the person resides or does business or at which its chief administrative or financial officer resides or does business, or (2) the mailing address of the person at which the person commonly receives its mail. Any address reported pursuant to this shall be a complete address with sufficient information required by the US Postal Service to accomplish mail delivery to the address.

# REPORT OF CONTRIBUTIONS FOR AMOUNTS \$750.00 OR GREATER

*(Please remember to include these contributions on the next required report for accounting purposes.)*

Name of Candidate \_\_\_\_\_

Street Address \_\_\_\_\_

City of Ogden, Weber County, Utah, Zip Code \_\_\_\_\_

Candidate for:

- Mayor
- Council Member – At-Large Seat C
- Council Member – Municipal Ward 2
- Council Member – Municipal Ward 4

For contributions received on or between  
**August 4, 2015 and August 10, 2015 by 5:00 p.m.**

## REPORT VERIFICATION (Due with each report)

I, \_\_\_\_\_, as  Candidate/  Secretary of Campaign Committee of the aforesaid personal campaign committee, being duly sworn, say the foregoing is a full and true statement of account of all contributions made or received by the committee, and of the disposition thereof made and all liabilities incurred by the committee, to my knowledge; and that all contributions and expenditures not heretofore reported have been reported; and that there are no bills or obligations outstanding and unpaid except as set forth in the report.

\_\_\_\_\_  
Signature of Candidate/Secretary of Committee

(Must be signed in front of a Notary.)

Subscribed and sworn to before me by \_\_\_\_\_ on  
this \_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Notary Public



## INSTRUCTIONS/DIRECTIONS

Contribution means:

1. A gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value.
2. A contract to make a contribution.
3. A transfer of funds from a political committee, a party committee, another candidate, an officeholder, or a personal campaign committee to a candidate or a candidate's personal campaign committee.
4. A payment for the personal services of another person by a person other than the candidate's personal campaign committee for services rendered to the candidate or such candidate's personal campaign committee.
5. Goods or services provided at less than fair market value to or for the benefit of a candidate or a candidate's personal campaign committee.

Contribution does not mean:

1. Personal services provided without compensation by individuals volunteering their time on behalf of a candidate or such candidate's personal campaign committee.
2. A loan of money by a national or state bank or financial institution made in accordance with the applicable banking laws and regulations and in the ordinary course of the business.

**NOTE:**

- The name of a person required to be reported shall include: (A) in the case of a natural person, the first and last name of the person; (B) in the case of an organization, the legal name of the organization or common name by which the organization is known to the general public or its clients.
- The address of a person shall include: (1) the physical street address at which the person resides or does business or at which its chief administrative or financial officer resides or does business, or (2) the mailing address of the person at which the person commonly receives its mail. Any address reported pursuant to this shall be a complete address with sufficient information required by the US Postal Service to accomplish mail delivery to the address.

## CAMPAIGN REGULATIONS

### Electioneering

"Electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue. A "polling place" means the physical place where ballots and by-mail ballots are cast and includes city hall during the period in which by-mail ballots may be cast there.

Any person who violates any provision of this section is guilty of a class A misdemeanor.

On the day of any election, within a polling place or in any public area within 150 feet of the building where a polling place is located, a person may NOT:

1. Do any electioneering.
2. Circulate cards or handbills of any kind.
3. Solicit signatures to any kind of petition.
4. Engage in any practice that interferes or disrupts the administration of the polling place.
5. Obstruct the doors at polls or prevent free access to and from the polling place.
6. Remove a ballot from the polling place unless the poll worker is assisting a physically disabled voter outside the Building.
7. Solicit any voter to show his ballot.
8. No campaigning can take place within 150 feet of the City Center during Early Voting.

### Posting of Political Signs on Public Property

Each candidate for elected office should be aware of the regulations in the Ogden City Municipal Code regarding political signs and signposting on public property:

**18-4-1: Signposting prohibited – Public property.** It is unlawful for any person to fasten, attach, paint or place any sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise, or cause the same to be done in or upon a curbstone, lamppost, telephone pole, electric light or power pole, hydrant, bridge or tree, or in or upon any portion of any sidewalk or street. It shall be unlawful to paste, place, paint or attach any sign defined in this title on any building, street, or property of the City. This also includes 7-3-2 regarding the site triangle area and 7-2-3 regarding unlawful structures in the public way (park strip) areas.

### Posting of Political Signs on Private Property

Section 18-3-26 of the Ogden City Municipal Code addresses the issue of posting political signs on private property:

**18-3-26: Noncommercial Opinion Signs: Transition Provisions.** The regulation of noncommercial opinion signs and political campaign signs has been referred to the Planning Commission for study and recommendation. It is the intention of the City Council to refrain from the regulation of noncommercial opinion signs and political campaign signs in residential areas during this study period. Until further adoption of such regulations, noncommercial opinion signs and political campaign signs shall be considered exempt from the provisions of this Title.

If regulations are adopted within the City, all candidates will be provided notice of such new regulations.

### Political Activity by Ogden City Employees

The City has ordinance provisions which prohibit certain political activities by City officers and employees. The provisions were adopted with the intent to avoid conflicts of interest and unreasonable disruption of City operations, and to maintain good working relationships, the undivided loyalty of officers and employees, and the integrity of public service. No officer or employee of the City shall:

- Engage in any political activity during working hours, or while in a City uniform or City vehicle, or while at his or her place of employment within the City.

- Use, or allow to be used, any City equipment while engaged in any political activity.
- Directly or indirectly coerce, command, or advise another municipal officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation or anything else of value to a political party, committee, organization, agency, or person for political purposes.
- Attempt to make another officer's or employee's personnel status dependent on the officer's or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

It is unlawful to place any campaign posters, handbills, etc., in City buildings or on City property or cause the same to be distributed through interoffice mailboxes to City employees.

## GENERAL INFORMATION

### Polling Places/Vote Centers

Utah State Code [20A-3-302](#) allows for the elections official (City Recorder for Municipalities) to administer an election by mail. Ogden City contracts with Weber County to administer the election and offers several options for voting: Traditional, All-By-Mail, or Hybrid. In the past, Ogden City has conducted elections using the Traditional method with multiple polling locations using touch screen voting machines. Difficulties with the Traditional method have become more prevalent and with a lower voter turnout, the City Recorder has recommended to the City Council that this year's election be conducted with the Hybrid method. Under this method, all active registered voters would receive a ballot in the mail; however, three polling locations (vote centers) would be operational on Election Day for those who did not receive a ballot by mail or who prefer to vote traditionally. If the City Council approves the Hybrid method, then ballots would be mailed out approximately one month prior to Election Day. If the City Council approves a Traditional method, then polling places would be designated and approved by the Council.

### Early Voting

State law allows a registered voter to vote before the actual election date. If the City Council approves the Traditional method, as described above, early voting for the primary election will be between July 28 and August 7, 2015 from 8:30 a.m. to 5:00 p.m. in the City Recorder's Office of the Municipal Building, 2549 Washington Boulevard, Suite 210. Early voting for the general election will be between October 20 and October 30, 2015 from 8:30 a.m. to 5:00 p.m., also in the City Recorder's Office.

### Tally Sheets

Tally sheets are compiled by the City Recorder for each election and indicate the number of votes received by candidates in each consolidated voting district. Copies of the tally sheets for previous elections are available upon request from the City Recorder.

### By-mail Ballots

Any registered voter who anticipates being absent from the County for the primary and/or general election may request a by-mail ballot from the Weber County Clerk. Absent-voter ballots will be available for the primary election in mid-July 2015 and in mid-October 2015 for the general election. An application for a by-mail ballot is required, and such applications may be obtained from the County Clerk's Office located on the 3rd floor of the Weber Center, 2380 Washington Boulevard; by calling the County Clerk's Office at 801-399-8400 and requesting an application by mail or fax, or online at [www.vote.utah.gov](http://www.vote.utah.gov).

The last day a person can apply for a by-mail ballot and cast a ballot in person is the ***Thursday before the Election Day***. Voters may still submit by-mail ballots by mail if the ballots are postmarked ***on or before*** Election Day and received before noon of the day of the official canvass.

Hospitalized voters may obtain an emergency by-mail ballot and vote on Election Day by designating an individual to pick up a by-mail ballot application, by-mail ballot, and by-mail ballot envelope from the County Clerk's Office on Election Day and deliver the same to the person in the hospital. Once the hospitalized voter has completed the forms and voted, the designated individual must deliver the by-mail voter application and sealed by-mail ballot envelope to the County Clerk's Office before the close of the polls on Election Day. A "hospitalized voter" is defined as a registered voter who is hospitalized or otherwise confined to a medical or long-term care institution, after the deadline for filing an application for a by-mail ballot has taken place.

### Voter Registration

In order to vote, a person must be a registered voter. The requirements to become a registered voter are:

- Be a United States citizen;
- Be a resident of Utah for at least 30 days immediately before the next election;
- Be at least 18 years old by the next election;
- Have their principal place of residence in a specific voting precinct in Utah.

Qualified persons can register in the County Clerk's Office Monday through Friday, 8:00 a.m. to 5:00 p.m. If registration is completed by the regular registration period before each election, those voters will be able to vote on Election Day or may participate in the early voting process. Persons registering in person in the County Clerk's Office or online at [www.vote.utah.gov](http://www.vote.utah.gov) after the regular registration period and up until 15 days prior to the election will only be able to vote on Election Day. Mail-in registration forms may also be obtained from public assistance offices. Qualified persons may also register to vote when making application for a driver's license.

## Voter Identification

Valid voter identification is now ***required when voting*** at any poll on Election Day. A voter must prove who he/she is and prove residency in the voting precinct he/she will be voting in – acceptable forms may include:

- A. ***One*** of the following that bears the name and photograph of the voter:
  - A currently valid Utah driver license
  - A currently valid identification card that is issued by:
    - the state; or
    - a branch, department, or agency of the United States
  - A currently valid Utah permit to carry a concealed weapon
  - A currently valid United States passport or
  - A currently valid United States military identification card
  - One of the following identification cards, *whether or not the card includes a photograph of the voter*:
    - A valid tribal identification card
    - A Bureau of Indian Affairs card or
    - A tribal treaty card or
- B. ***Two*** of the following that bears the name of the voter and provides evidence that the voter resides within the voting precinct:
  - A current utility bill or legible copy dated within the 90 days before the election
  - A bank or other financial institution account statement or a legible copy thereof
  - A certified birth certificate
  - A valid Social Security card
  - A check issued by the state or the federal government or legible copy thereof
  - A paycheck from the voter's employer or a legible copy thereof
  - A currently valid Utah hunting or fishing license
  - Certified naturalization documentation
  - A currently valid license issued by an authorized agency of the United States
  - A certified copy of court records showing voter's adoption or name change
  - A valid Medicaid card, Medicare card, or Electronic Benefits Transfer card
  - A currently valid identification card issued by:
    - A local government within the state
    - An employer for an employee or
    - A college, university, technical school, or professional school located within the state or
  - A current Utah vehicle registration

If a valid form of identification listed under Section A above does not contain a photograph of the voter (other than the listed exemptions), then one other form of identification listed in Section B must be included.

Voters who do not present proper identification at the polls may vote using a provisional ballot; however, the provisional ballot will not count unless they provide valid voter identification to the Weber County election official within five (5) days after the election.

### Statewide Electronic Voter Information Website

This website allows registered voters to view information particular to them including their polling place, election officials, and a sample ballot with information on candidates and propositions. The website is [www.vote.utah.gov](http://www.vote.utah.gov).

### Questions Regarding Municipal Elections

If citizens have questions about which voting precinct they live in, who the candidates are representing their area, or where their polling place is located, they should call the City Recorder's Office at 629-8150, Monday through Friday, from 8:00 a.m. to 5:00 p.m. or access this information at [www.ogdencity.com](http://www.ogdencity.com).

## DATES TO REMEMBER

### Filing Time Frame

**June 1 to June 8, 2015 from 8:00 a.m. to 5:00 p.m.** at the City Recorder's Office, Municipal Building, Suite 210, 2549 Washington Boulevard.

### Election Dates

#### Primary Election Day – **August 11, 2015**

Filings for each office must exceed twice the number of candidates to be elected in order to hold a primary election. A City-wide primary will be held if there are more than two candidates running for each of the open seats. If a City-wide primary is not required, primary elections in Municipal Wards may be held if more than two candidates declare candidacy.

#### General Election Day – **November 3, 2015**

### Campaign Financial Disclosure Reports

#### Prior to Accepting Contributions or Expending Funds

Each candidate must file a "Registration of Personal Campaign Committee" form with the City Recorder, indicating that his/her personal campaign committee has been appointed or elected, giving the name and address of each member and designating the secretary of the committee (see page 12).

#### **August 4, 2015 (by 5:00 p.m.)**

All candidates for elective office must file a verified campaign financial statement (Report of Contributions & Expenditures for Candidates) with the City Recorder, which includes all contributions received and expenditures made from **the date of the first contribution or expenditure, up to and including August 1, 2015** (see pages 32-36).

#### **August 31, 2015 (by 5:00 p.m.)**

All candidates **NOT** successful in the primary election must file a verified campaign financial statement (Report of Contributions & Expenditures for Candidates) with the City Recorder not later than 30 days after the primary election. This includes contributions received and expenditures made from **August 2, 2015 up to and including August 28, 2015** (see pages 32-36).

#### **October 27, 2015 (by 5:00 p.m.)**

All candidates in the general election must file a verified campaign financial statement (Report of Contributions & Expenditures for Candidates) with the City Recorder, which includes all contributions received and expenditures made from **August 29, 2015 up to and including October 24, 2015** (see pages 32-36). **THE NAME OF ANY CANDIDATE WHO FAILS TO FILE CAMPAIGN FINANCIAL STATEMENTS AS REQUIRED WILL BE REMOVED FROM THE OFFICIAL BALLOT FOR THE GENERAL ELECTION.**

#### **December 3, 2015 (by 5:00 p.m.)**

All candidates in the general election must file a final verified campaign financial statement (Report of Contributions & Expenditures for Candidates) with the City Recorder, signed by the candidate to include all contributions received and expenditures made from **October 25, 2015 to November 30, 2015** (see pages 32-36). **A CERTIFICATE OF ELECTION WILL NOT BE ISSUED AND THE OATH WILL NOT BE ADMINISTERED TO ANY CANDIDATE UNTIL HIS/HER CAMPAIGN FINANCIAL STATEMENT HAS BEEN FILED.**

**For the seven (7) days prior to each election**

Any contributions received by candidates within the seven (7) days before the primary and general elections that are \$750.00 or greater must be reported within 24 hours of receipt. Because the report only contains what contributions were received and no expenditures, these contributions must be included on the next required report for accounting purposes (see pages 37-39).

**Other****June 27, 2015 (by 5:00 p.m.)**

Deadline for candidate online profile submission/changes for statewide electronic voter information website for Primary Election.

**September 4, 2015 (by 5:00 p.m.)**

Deadline for candidate online profile submission/changes for statewide electronic voter information website for General Election.

**October 12, 2015 (by 5:00 p.m.)**

Deadline for a candidate to withdraw (in writing).

*Please note: Although October 12, 2015 is Columbus Day, Ogden City offices will be open for regular business hours)*

**Swearing In****January 4, 2016 (at Noon)**

Successful candidates are sworn in at noon on the first Monday in January following the election, or as soon thereafter as practical. If the first Monday is an observed holiday, the swearing in ceremony is done the following day at noon. The City Recorder administers the Oath of Office to the successful candidates and issues the Certificates of Election.