



2021 Candidate Information Packet

If you have any questions regarding the documents contained in this packet please contact Michelle Kellogg, City Recorder/Election Official at 435-615-5007 or

michelle.kellogg@parkcity.org

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2021 MUNICIPAL ELECTION INFORMATION Park City Municipal Corporation

Elected Officials – OPEN SEATS:

Mayor – 1 Seat
Council - 2 Seats

ELECTION DATES:

A General Municipal Election will be held November 2, 2021 for the offices of Mayor and two City Council seats.

Pursuant to State Law, if more than twice the number of candidates file than are to be elected, a Municipal Primary Election must be held on August 10, 2021 (*Utah State Code Section 20A-9-404*).

- In the event 3 or more candidates file for the Mayoral seat, the top 2 vote getters will continue to the November General Municipal Election ballot.
- In the event 5 or more candidates file for the City Council seats, the top 4 vote getters will continue to the November General Municipal Election ballot.

HOW TO BECOME A CANDIDATE:

Each person seeking to become a candidate for a municipal office must file a Declaration of Candidacy *in person* with the Election Official, Michelle Kellogg, between June 1, 2021 and June 7, 2021, during regular office hours, 8:00 a.m. to 5:00 p.m., in the Executive Office of the Marsac Building, 445 Marsac Avenue, Park City, Utah (*Utah State Code Section 20A-9-203*). A filing fee will be assessed at the time of declaration of candidacy as follows:

- Candidates for Mayor will pay a \$150 filing fee.
- Candidates for Council will pay a \$100 filing fee.
- The filing fee will be waived if candidates bring 100 signatures of registered Park City voters at the time of filing on a nomination petition form provided by the City Recorder. Candidates with fewer than 100 valid signatures will not be allowed to participate in the election.

Candidate Qualifications:

- 1) Candidates must be a United States citizen at time of filing for candidacy.
- 2) Candidates must be at least 18 years of age at the time of the next municipal election.
- 3) Candidates must be a legal resident of the municipality, or a resident of the recent annexed area, for 12 consecutive months immediately preceding the date of the election.
- 4) Candidates must be a registered voter of the municipality.

- 5) Pursuant to Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to vote or hold elective office is restored as provided by statute.

Candidates can declare candidacy with formal names such as Jr., Sr., III, but cannot put any titles on declaration such as Dr. Esq., etc. The name written on the declaration will be the name printed on the ballot, and if elected, on name plates and council correspondence.

REGISTERED VOTERS:

There are 6,474 voters and 5,984 active voters

VOTE BY MAIL:

The Primary and General Election will be entirely by mail. Ballots will be mailed on or before July 20th for the Primary and October 12th for the General Election. There will be drop boxes set up at City Hall and The Market at Snow Creek Plaza, and ballots can be deposited before or on Election Day. If voters mail their ballots, the ballots need to be postmarked on or before August 9th and November 1st respectively, in order to be counted.

There will be a voter information center at the City Offices on Election Day. Those who have lost their ballots or did not receive their ballots may come in to vote on another ballot.

There will not be voting machines. All votes will be cast on paper and deposited into the drop boxes or mailed, and they'll be processed at the Summit County Clerk's Office. If two ballots from the same voter are received, only the first ballot that was scanned will count, the other ballot will be rejected.

MISCELLANEOUS INFORMATION:

Candidate Withdrawal. Any person who filed a declaration of candidacy, and any person who was nominated, may withdraw by filing a written affidavit with the City Recorder. *UCA 20A-9-203(13)*

Master Ballot Position List

1 P	8 D	15 F	22 Y
2 U	9 N	16 V	23 G
3 Z	10 O	17 C	24 X
4 E	11 A	18 M	25 L
5 K	12 S	19 Q	26 T
6 W	13 R	20 H	
7 B	14 J	21 I	

Campaign Finance Disclosures

Candidates are required to fill out Campaign Finance Disclosure forms and these will be posted on the City website. All monetary donations and all expenditures used in the campaign need to

be recorded on the disclosure form. Candidates are not allowed to accept/keep any anonymous donations over \$50. If an anonymous donation is received, it will need to be donated to the City, County or a charitable organization. More found in the Municipal Code Title 3 Chapter 3.

Campaign Signs

The City does not grant permission to Candidates to post campaign signs or handbills on any City or public property or in any City or public right-of-way, including park strips.

Size. Campaign signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.

Height Limit. The maximum height of a campaign sign is four feet (4') above finished grade.
Setback and Orientation. Campaign signs are permitted in any zone, provided that they are located a minimum of ten feet (10') back from the edge of the curb, I will be distributing more info on signs in the candidate handbook.

City Council Meetings and Board Assignments. Being a Mayor or Council member requires a very substantial time commitment. City Council meets regularly on Thursdays unless the meeting is canceled due to holiday, lack of quorum, or other business. Work sessions are usually held in the afternoon before the regular meeting and usually begin at 2:00 p.m. Regular meetings follow the work sessions after a brief break and begin at 6:00 p.m. Both work sessions and regular meetings are held in the City Council Chambers, located on the lower level of the Marsac Building, 445 Marsac Avenue, Park City Utah.

A meeting packet is prepared containing the agenda, reports and documents relative to each agenda item. The City Council meeting packet is available for review on the Internet at <https://www.parkcity.org/government/city-council/city-council-meetings/current-city-council-meeting-info-listen-live>

Council members are assigned to be liaisons or co-liaisons for 5-10 boards/organizations and alternate liaisons for 5-7 other boards/organizations.

PLEASE BEGIN COMING TO COUNCIL MEETINGS to become familiar with the issues the City is currently deliberating.

Council Compensation

Mayor	\$45,366.72 per year
City Council	\$23,435.04 per year

The Mayor and Council each receive family medical insurance, which can be received as cash in-lieu of insurance coverage in the amount of \$21,522.48. They do not receive retirement contributions. The Mayor receives \$250 per month for car allowance.



2021 MUNICIPAL ELECTION CALENDAR

Election Official Michelle Kellogg, (435) 615-5007

CANDIDATE FILING DATES:

Tuesday, June 1 through Monday, June 7, 2021

8:00 a.m. to 5:00 p.m.

Executive Office, Marsac City Hall

MUNICIPAL PRIMARY ELECTION (If Needed)

Ballots Mailed: Tuesday, July 20, 2021

Primary Election Day: Tuesday, August 10, 2021

MUNICIPAL GENERAL ELECTION

Ballots Mailed: Tuesday, October 12, 2021

General Election Day: Tuesday, November 2, 2021

VOTE BY MAIL

The Primary and General Election will be entirely by mail. Ballots will be mailed on or before July 20th for the Primary and October 12th for the General Election. There will be drop boxes set up at City Hall and The Market at Snow Creek Plaza, and ballots can be deposited before or on Election Day. If voters mail their ballots, the ballots need to be postmarked on or before August 9th and November 1st respectively, in order to be counted.

There will be a voter information center at the City Offices on Election Day. Those who have lost their ballots or did not receive their ballots may come in to vote on another ballot.

There will not be voting machines. All votes will be cast on paper and deposited into the drop boxes or mailed, and they'll be processed at the Summit County Clerk's Office. If two ballots from the same voter are received, only the first ballot that was scanned will count, the other ballot will be rejected.

VOTER REGISTRATION DEADLINES:

Primary Election

Friday, July 30, 2021

General Election

Friday, October 22, 2021

Eligible voters may register and vote on Election Day at the City Offices for both the Primary and General Elections

CAMPAIGN FINANCE DISCLOSURE FILING DEADLINES

- Campaign Finance Statement (All Primary Election Candidates)
Deadline 5:00 p.m., Tuesday, August 3, 2021
- Final Campaign Finance Statement (Unsuccessful Candidates in Primary)
Deadline 5:00 p.m., Thursday, September 9, 2021
- Campaign Finance Statement (General Election Candidates)
Deadline 5:00 p.m., Tuesday, October 26, 2021
- Final Campaign Finance Statement (General Election Candidates)
Deadline 5:00 p.m., Thursday, December 2, 2021

Per state law, all candidate campaign finance statements will be posted on the City's website www.parkcity.org under Government/Election Information and provided to the Lt. Governor's Office.



**2019 CAMPAIGN SIGN/ELECTIONEERING REGULATIONS AND GUIDELINES
Park City Municipal Code Title 12 and Utah State Code Regulations**

1. Posting on City or Public Property and/or within City or Public Right-of-Way.

The City does not grant permission to Candidates to post campaign signs or handbills on any City or public property or in any City or public right-of-way.

Posters, fliers or signs may not be tacked up to the exterior of any building or to telephone/utility poles. Posters or fliers may not be tacked upon to the exterior of any building nor upon any sidewalk, crosswalk, curb, curbstone, street light post, hydrant, tree, shrub, parking meter, garbage can or dumpster, automobile, electric light, power or telephone wire pole, or wire appurtenance thereof, fire alarm or hydrant, street furniture, park benches or landscaping, any lighting system, public bridge, drinking fountain, statue, life saving equipment, street sign or traffic sign or on door steps.

Posters or signs may not be posted within the public right-of-way next to public streets or corners.

Handbills or signs found posted upon any public property contrary to the provisions of this section, may be removed by the Police Department, Public Works Department, Recreation Department, Code Enforcement, or any other City staff.

2. Park City Municipal Code Title 12 – in part.

A. Definition

SIGN, CAMPAIGN. A Temporary Sign on or off-premises, announcing, promoting, or drawing attention to a candidate seeking public office in a forthcoming election; or signs announcing political issues, for or against. *Park City Municipal Code Section 12-2-1(U)(4)*

B. Signs Exempt from Permit Requirement

Campaign signs are exempt from obtaining permits as long as the sign is in compliance with the regulations as stated in Section 12-10-2(B). *Municipal Code Section 12-8-1(B)*.

C. Sign Regulations

Campaign signs do not require a Sign permit, as issued by the Planning Department, but shall comply with the following regulations:

- **SIZE.** Campaign signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.
- **HEIGHT LIMIT.** The maximum height of a campaign sign is four feet (4') above finished grade.

- **SETBACK AND ORIENTATION.** Campaign signs are permitted in any zone, provided that they are located a minimum of ten feet (10') back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this ten foot (10') distance would be within a structure, the sign may be within three feet (3') of the front of the structure. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(K), which states fliers or posters may be displayed on the inside of windows of businesses, provided all window signs do not exceed thirty percent (30%) of window area and the owner of the business approves of the placement.
- **ZONING RESTRICTIONS.** Campaign signs are allowed in all zoning districts.
- **ILLUMINATION.** Illumination of campaign signs is prohibited.

Municipal Code Section 12-10-2(B)

3. Utah State Code Regulations. Applies to General Municipal Elections, Primary Municipal Elections, and Early Voting Polling locations.

UCA 20A-3-501. Polling place – Prohibited activities.

- (1) As used in this section:
 - (a) "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; and
 - (b) "polling place" means the physical place where ballots and absentee ballots are cast and includes the county clerk's office or city hall during the period in which absentee ballots may be cast there.
- (2)
 - (a) A person may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:
 - (i) do any electioneering;
 - (ii) circulate cards or handbills of any kind;
 - (iii) solicit signatures to any kind of petition; or
 - (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.
 - (b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.
- (3)
 - (a) A person may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.
 - (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest any person creating an obstruction.
- (4) A person may not:

- (a) remove any ballot from the polling place before the closing of the polls, except as provided in Section 20A-4-101; or
- (b) solicit any voter to show his ballot.

(5) A person may not receive a voted ballot from any voter or deliver an unused ballot to a voter unless that person is a poll worker.

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

(7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

4. General Guidelines

- Permission to post a campaign sign on private property must be obtained from the property owner before posting. A property owner may remove a campaign sign from their property at any time.
- It is recommended that there be no more than three (3) campaign signs per candidate posted at one location.
- It is respectfully requested candidates remove their campaign signs within a few days following a municipal election, with the exception successful Primary election candidates may leave their signs up until after the November general municipal election. Signs can be expensive and candidates may wish to store them for use in a future election, or donate them to other candidates.



CAMPAIGN FINANCIAL DISCLOSURE STATEMENTS

Immediately following a candidate's decision to run for public office, all campaign contributions and expenditures must be disclosed in sworn campaign contribution and expenditure finance statements. A campaign bank account should be opened so that campaign funds do not mingle with personal funds. Campaign finance statements must be prepared and filed at certain times during the election period as explained below.

Immediately following the filing deadline, media representatives normally request copies of all campaign finance statements and may report findings in the local newspaper and radio. The statements are public records and any interested person is allowed to review and obtain copies. State law requires all statements to be posted on the City's website or provided to the Lt. Governor's office.

No anonymous donations amounting to \$50 or more can be accepted by candidates. If this type of donation is received and the donor cannot be located, the money must be given to the City, County, or a charity of the candidate's choice. Campaign funds cannot be used to pay family members working on the campaign or for personal use. Campaign funds can be used for the candidate's childcare costs while campaigning or performing office duties. All donations, whether monetary or in-kind, and all expenses must be itemized on the disclosure form.

WHERE TO FILE STATEMENTS: Please hand deliver, mail, or email the statement so that it will be received **prior** to the deadline, to the attention of the Election Official, Michelle Kellogg, City Recorder, 445 Marsac Ave., Park City UT 84060; (435) 615-5007, michelle.kellogg@parkcity.org .

STATEMENT DEADLINES:

All Primary Election Candidates

If there is a Primary Election on August 10, 2021, all candidates shall file a **sworn campaign finance statement** with the Election Official one week prior to the election. **Filing Deadline: 5:00 p.m., Tuesday, August 3, 2021**

Candidates **Eliminated** In Primary Election – Final Statement

If there is a Primary Election on August 10, 2021, a **Final sworn campaign finance statement** is due thirty (30) calendar days following the Primary election. **Filing Deadline: 5:00 p.m., Thursday, September 9, 2021**

All General Municipal Election Candidates

A **sworn campaign finance statement** is due at least seven (7) calendar days before the General Municipal Election on November 2, 2021. **Filing Deadline: 5:00 p.m., Tuesday, October 26, 2021**

All General Municipal Election Candidates – Final Statement

A **Final sworn campaign finance statement** is due thirty (30) calendar days following the General Election. **Filing Deadline: 5:00 p.m., Thursday, December 2, 2021**

AMENDED STATEMENT: In the event a candidate receives a monetary or non-monetary contribution, or makes an expenditure after the candidate's final campaign statement has been submitted to the election officer, he or she must file an amended final sworn campaign statement with the election official within five (5) days of receipt of the contribution or expenditure.

FAILURE TO FILE STATEMENT: If a candidate fails to file an election campaign contribution and expenditure statement due before the municipal general election, the election officer shall, after making a reasonable attempt to discover if the report was timely mailed, shall:

- (a) if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or
- (b) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
- (c) may not count any votes for that candidate.

Notwithstanding Subsection (1) above, a candidate is not disqualified if:

- (a) the candidate files the reports required by this section; and
- (b) those reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and
- (c) those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report. *Municipal Code Section 3-3-5(F)*

DISPOSITION OF SURPLUS CAMPAIGN FUNDS:

Surplus campaign funds held by the candidate or the candidate's committee must be disbursed at the end of the campaign. Disposition is normally accomplished by returning contributed monies or other tangible contributions to the contributor, or donating the contributions to a non-profit organization.

The disposition of any surplus campaign funds must be reported in the Final Campaign Financial Disclosure Statement. *Municipal Code Section 3-3-6*

STATEMENT FORMS:

Blank campaign financial disclosure forms are provided in the candidate's packet for candidate use, however, a personally prepared statement form may be used as long as all the components required by Municipal Code Title 3, Chapter 3, are included.

Please contact Michelle Kellogg (435) 615-5007 if you have any questions or need additional blank forms.

CAMPAIGN FINANCIAL REPORT

Utah Code 10-3-208

Full Name of Candidate: _____

Office Filed For: _____

This report may be submitted in person or electronically at michelle.kellogg@parkcity.org

- | | |
|---|----------|
| 1. Total amount from donors giving more than \$50.00
<i>(Form "A" total from other side)</i> | \$ _____ |
| 2. Total amount from donors giving \$50.00 or less | \$ _____ |
| 3. Total campaign expenditures
<i>(Form "B" total from other side)</i> | \$ _____ |
| 4. Campaign Balance | \$ _____ |

I understand that this document is an official government record to be filed with the Park City Recorder. As such I hereby certify under oath, that the foregoing information is true and correct. I further understand that including any false or forged information or documents or making any written false or inconsistent statement will subject me to criminal penalties under Title 76, Chapter 8 of the Utah Code.

Candidate Signature

Date



CANDIDACY WITHDRAWAL AFFIDAVIT

UTAH CODE SECTION 20A-9-203(11)

Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may withdraw the nomination by filing a written affidavit with the municipal clerk.

State of Utah)
) ss.
County of Summit)

I, _____, being first duly sworn, depose and state:

I reside at _____ in the City of Park City, in

Summit County, State of Utah, Zip Code _____.

Phone Number: _____ E-Mail Address _____

Having filed a Declaration of Candidacy for the office of _____,

I hereby withdraw as a candidate for this office.

Date

Signature

Subscribed and sworn (of affirmed) before me this _____ day of _____, 2021.

Clerk, Recorder or Notary Public

For Office Use:
Date Received and Accepted by the Election Official of Park City: _____



Links to Important Documents on the City Website:

General Plan: <https://www.parkcity.org/departments/planning/general-plan>

2021 Budget Guide: <https://www.parkcity.org/home/showpublisheddocument?id=69226>

Budget: <https://www.parkcity.org/departments/budget-debt-grants/budget-document-archive>

Long Term Strategic Plan: <https://www.parkcity.org/departments/budget-debt-grants/strategic-planning>

Chapter 4 Open and Public Meetings Act

Part 1 General Provisions

52-4-101 Title.

This chapter is known as the "Open and Public Meetings Act."

Enacted by Chapter 14, 2006 General Session

52-4-102 Declaration of public policy.

- (1) The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business.
- (2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
 - (a) take their actions openly; and
 - (b) conduct their deliberations openly.

Renumbered and Amended by Chapter 14, 2006 General Session

52-4-103 Definitions.

As used in this chapter:

- (1) "Anchor location" means the physical location from which:
 - (a) an electronic meeting originates; or
 - (b) the participants are connected.
- (2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake City.
- (3)
 - (a) "Convening" means the calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.
 - (b) "Convening" does not include the initiation of a routine conversation between members of a board of trustees of a large public transit district if the members involved in the conversation do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation.
- (4) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.
- (5) "Electronic message" means a communication transmitted electronically, including:
 - (a) electronic mail;
 - (b) instant messaging;
 - (c) electronic chat;
 - (d) text messaging, as that term is defined in Section 76-4-401; or
 - (e) any other method that conveys a message or facilitates communication electronically.
- (6)
 - (a) "Meeting" means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or

acting upon a matter over which the public body or specific body has jurisdiction or advisory power.

- (b) "Meeting" does not mean:
 - (i) a chance gathering or social gathering;
 - (ii) a convening of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405; or
 - (iii) a convening of a three-member board of trustees of a large public transit district as defined in Section 17B-2a-802 if:
 - (A) the board members do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation; or
 - (B) the conversation pertains only to day-to-day management and operation of the public transit district.
- (c) "Meeting" does not mean the convening of a public body that has both legislative and executive responsibilities if:
 - (i) no public funds are appropriated for expenditure during the time the public body is convened; and
 - (ii) the public body is convened solely for the discussion or implementation of administrative or operational matters:
 - (A) for which no formal action by the public body is required; or
 - (B) that would not come before the public body for discussion or action.
- (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.
- (8) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.
- (9)
 - (a) "Public body" means:
 - (i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
 - (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
 - (B) consists of two or more persons;
 - (C) expends, disburses, or is supported in whole or in part by tax revenue; and
 - (D) is vested with the authority to make decisions regarding the public's business; or
 - (ii) any administrative, advisory, executive, or policymaking body of an association, as that term is defined in Section 53G-7-1101, that:
 - (A) consists of two or more persons;
 - (B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and
 - (C) is vested with authority to make decisions regarding the participation of a public school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.
 - (b) "Public body" includes:
 - (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in Section 11-13-103;
 - (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102; and
 - (iii) the Utah Independent Redistricting Commission.
 - (c) "Public body" does not include:
 - (i) a political party, a political group, or a political caucus;

- (ii) a conference committee, a rules committee, or a sifting committee of the Legislature;
- (iii) a school community council or charter trust land council, as that term is defined in Section 53G-7-1203;
- (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602; or
- (v) the following Legislative Management subcommittees, which are established in Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to recommend for employment, except that the meeting in which a subcommittee votes to recommend that a candidate be employed shall be subject to the provisions of this act:
 - (A) the Research and General Counsel Subcommittee;
 - (B) the Budget Subcommittee; and
 - (C) the Audit Subcommittee.
- (10) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.
- (11)
 - (a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
 - (b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken.
- (12) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.
- (13) "Specified body":
 - (a) means an administrative, advisory, executive, or legislative body that:
 - (i) is not a public body;
 - (ii) consists of three or more members; and
 - (iii) includes at least one member who is:
 - (A) a legislator; and
 - (B) officially appointed to the body by the president of the Senate, speaker of the House of Representatives, or governor; and
 - (b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(v).
- (14) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

Amended by Chapter 25, 2019 General Session

Amended by Chapter 246, 2019 General Session

52-4-104 Training.

- (1) The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.
- (2) The presiding officer shall ensure that any training described in Subsection (1) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session

Part 2 Meetings

52-4-201 Meetings open to the public -- Exceptions.

- (1) A meeting is open to the public unless closed under Sections 52-4-204, 52-4-205, and 52-4-206.
- (2)
 - (a) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.
 - (b) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:
 - (i) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;
 - (ii) any of the meetings held on the same day is a site visit or a traveling tour and, in accordance with this chapter, public notice is given;
 - (iii) the workshop or executive session is an electronic meeting conducted according to the requirements of Section 52-4-207; or
 - (iv) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

Renumbered and Amended by Chapter 14, 2006 General Session
Amended by Chapter 263, 2006 General Session

52-4-202 Public notice of meetings -- Emergency meetings.

- (1)
 - (a)
 - (i) A public body shall give not less than 24 hours' public notice of each meeting.
 - (ii) A specified body shall give not less than 24 hours' public notice of each meeting that the specified body holds on the capitol hill complex.
 - (b) The public notice required under Subsection (1)(a) shall include the meeting:
 - (i) agenda;
 - (ii) date;
 - (iii) time; and
 - (iv) place.
- (2)
 - (a) In addition to the requirements under Subsection (1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section.
 - (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of the scheduled meetings.
- (3)
 - (a) A public body or specified body satisfies a requirement for public notice by:
 - (i) posting written notice:
 - (A) except for an electronic meeting held without an anchor location under Subsection 52-4-207(4), at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held; and
 - (B) on the Utah Public Notice Website created under Section 63F-1-701; and
 - (ii) providing notice to:

- (A) at least one newspaper of general circulation within the geographic jurisdiction of the public body; or
- (B) a local media correspondent.
- (b) A public body or specified body is in compliance with the provisions of Subsection (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions of Subsection 63F-1-701(4)(d).
- (c) A public body whose limited resources make compliance with Subsection (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in Section 63A-12-101, to provide technical assistance to help the public body in its effort to comply.
- (4) A public body and a specified body are encouraged to develop and use additional electronic means to provide notice of their meetings under Subsection (3).
- (5)
 - (a) The notice requirement of Subsection (1) may be disregarded if:
 - (i) because of unforeseen circumstances it is necessary for a public body or specified body to hold an emergency meeting to consider matters of an emergency or urgent nature; and
 - (ii) the public body or specified body gives the best notice practicable of:
 - (A) the time and place of the emergency meeting; and
 - (B) the topics to be considered at the emergency meeting.
 - (b) An emergency meeting of a public body may not be held unless:
 - (i) an attempt has been made to notify all the members of the public body; and
 - (ii) a majority of the members of the public body approve the meeting.
- (6)
 - (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.
 - (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.
 - (c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:
 - (i) listed under an agenda item as required by Subsection (6)(a); and
 - (ii) included with the advance public notice required by this section.
- (7) Except as provided in this section, this chapter does not apply to a specified body.

Amended by Chapter 1, 2020 Special Session 5

52-4-203 Written minutes of open meetings -- Public records -- Recording of meetings.

- (1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.
- (2)
 - (a) Written minutes of an open meeting shall include:
 - (i) the date, time, and place of the meeting;
 - (ii) the names of members present and absent;
 - (iii) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;
 - (iv) a record, by individual member, of each vote taken by the public body;
 - (v) the name of each person who:

- (A) is not a member of the public body; and
 - (B) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;
 - (vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(a)(v); and
 - (vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.
- (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that minutes include the substance of matters proposed, discussed, or decided or the substance of testimony or comments by maintaining a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is proposed, discussed, or decided or the testimony or comments provided.
- (3) A recording of an open meeting shall:
- (a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and
 - (b) be properly labeled or identified with the date, time, and place of the meeting.
- (4)
- (a) As used in this Subsection (4):
 - (i) "Approved minutes" means written minutes:
 - (A) of an open meeting; and
 - (B) that have been approved by the public body that held the open meeting.
 - (ii) "Electronic information" means information presented or provided in an electronic format.
 - (iii) "Pending minutes" means written minutes:
 - (A) of an open meeting; and
 - (B) that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting.
 - (iv) "Specified local public body" means a legislative body of a county, city, town, or metro township.
 - (v) "State public body" means a public body that is an administrative, advisory, executive, or legislative body of the state.
 - (vi) "State website" means the Utah Public Notice Website created under Section 63F-1-701.
 - (b) Pending minutes, approved minutes, and a recording of a public meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act.
 - (c) Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.
 - (d) A state public body and a specified local public body shall require an individual who, at an open meeting of the public body, publicly presents or provides electronic information, relating to an item on the public body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record.
 - (e) A state public body shall:
 - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting:
 - (A) post to the state website a copy of the approved minutes and any public materials distributed at the meeting;
 - (B) make the approved minutes and public materials available to the public at the public body's primary office; and

- (C) if the public body provides online minutes under Subsection (2)(b), post approved minutes that comply with Subsection (2)(b) and the public materials on the public body's website; and
- (iii) within three business days after holding an open meeting, post on the state website an audio recording of the open meeting, or a link to the recording.
- (f) A specified local public body shall:
 - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting, post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); and
 - (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- (g) A public body that is not a state public body or a specified local public body shall:
 - (i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes, make the approved minutes available to the public; and
 - (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- (h) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.
- (i) Approved minutes of an open meeting are the official record of the meeting.
- (5) All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.
- (6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
- (7) Notwithstanding Subsection (1), a recording is not required to be kept of:
 - (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; or
 - (b) an open meeting of a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

Amended by Chapter 425, 2018 General Session

52-4-204 Closed meeting held upon vote of members -- Business -- Reasons for meeting recorded.

- (1) A closed meeting may be held if:
 - (a)
 - (i) a quorum is present;
 - (ii) the meeting is an open meeting for which notice has been given under Section 52-4-202; and
 - (iii) (A) two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting;

- (B) for a meeting that is required to be closed under Section 52-4-205, if a majority of the members of the public body present at an open meeting vote to approve closing the meeting;
 - (C) for an ethics committee of the Legislature that is conducting an open meeting for the purpose of reviewing an ethics complaint, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint; or
 - (D) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics complaint in accordance with Section 63A-15-701, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint; or
- (b)
- (i) for the Independent Legislative Ethics Commission, the closed meeting is convened for the purpose of conducting business relating to the receipt or review of an ethics complaint, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the receipt or review of ethics complaints";
 - (ii) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, the closed meeting is convened for the purpose of conducting business relating to the preliminary review of an ethics complaint in accordance with Section 63A-15-602, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the review of ethics complaints"; or
 - (iii) for the Independent Executive Branch Ethics Commission created in Section 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to an ethics complaint, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to an ethics complaint."
- (2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.
- (3) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.
- (4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:
- (a) the reason or reasons for holding the closed meeting;
 - (b) the location where the closed meeting will be held; and
 - (c) the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.
- (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed to require any meeting to be closed to the public.

Amended by Chapter 461, 2018 General Session

52-4-205 Purposes of closed meetings -- Certain issues prohibited in closed meetings.

- (1) A closed meeting described under Section 52-4-204 may only be held for:

- (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;
- (b) strategy sessions to discuss collective bargaining;
- (c) strategy sessions to discuss pending or reasonably imminent litigation;
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:
 - (i) disclose the appraisal or estimated value of the property under consideration; or
 - (ii) prevent the public body from completing the transaction on the best possible terms;
- (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:
 - (i) public discussion of the transaction would:
 - (A) disclose the appraisal or estimated value of the property under consideration; or
 - (B) prevent the public body from completing the transaction on the best possible terms;
 - (ii) the public body previously gave public notice that the property would be offered for sale; and
 - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) discussion regarding deployment of security personnel, devices, or systems;
- (g) investigative proceedings regarding allegations of criminal misconduct;
- (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;
- (i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection 52-4-204(1)(a)(iii)(C);
- (j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;
- (k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;
- (l) as relates to the Utah Higher Education Assistance Authority and its appointed board of directors, discussing fiduciary or commercial information as defined in Section 53B-12-102;
- (m) deliberations, not including any information gathering activities, of a public body acting in the capacity of:
 - (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;
 - (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
 - (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;
- (n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary in order to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;
- (o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:
 - (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a member of the public or to a participant in the procurement process; and
 - (ii) the public body needs to review or discuss the information in order to properly fulfill its role and responsibilities in the procurement process;
- (p) as relates to the governing board of a governmental nonprofit corporation, as that term is defined in Section 11-13a-102, the purpose of discussing information that is designated as a trade secret, as that term is defined in Section 13-24-2, if:

- (i) public knowledge of the discussion would reasonably be expected to result in injury to the owner of the trade secret; and
 - (ii) discussion of the information is necessary for the governing board to properly discharge the board's duties and conduct the board's business; or
 - (q) a purpose for which a meeting is required to be closed under Subsection (2).
- (2) The following meetings shall be closed:
- (a) a meeting of the Health and Human Services Interim Committee to review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4);
 - (b) a meeting of the Child Welfare Legislative Oversight Panel to:
 - (i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4); or
 - (ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5);
 - (c) a meeting of the Opioid and Overdose Fatality Review Committee, created in Section 26-7-13, to review and discuss an individual case, as described in Subsection 26-7-13(10); and
 - (d) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the Natural Resource Conservation Service of the United States Department of Agriculture on a farm improvement project if the discussed information is protected information under federal law; and
 - (e) a meeting of the Compassionate Use Board established in Section 26-61a-105 for the purpose of reviewing petitions for a medical cannabis card in accordance with Section 26-61a-105.
- (3) In a closed meeting, a public body may not:
- (a) interview a person applying to fill an elected position;
 - (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or
 - (c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

Amended by Chapter 12, 2020 General Session

Amended by Chapter 201, 2020 General Session

52-4-206 Record of closed meetings.

- (1) Except as provided under Subsection (6), if a public body closes a meeting under Subsection 52-4-205(1), the public body:
 - (a) shall make a recording of the closed portion of the meeting; and
 - (b) may keep detailed written minutes that disclose the content of the closed portion of the meeting.
- (2) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.
- (3) The recording and any minutes of a closed meeting shall include:
 - (a) the date, time, and place of the meeting;
 - (b) the names of members present and absent; and
 - (c) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

- (4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
- (5) A recording, transcript, report, and written minutes of a closed meeting are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under Section 52-4-304.
- (6) If a public body closes a meeting exclusively for the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2):
 - (a) the person presiding shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described under Subsection 52-4-205(1)(a),(1)(f), or (2); and
 - (b) the provisions of Subsection (1) of this section do not apply.

Amended by Chapter 425, 2018 General Session

52-4-207 Electronic meetings -- Authorization -- Requirements.

- (1) Except as otherwise provided for a charter school in Section 52-4-209, a public body may convene and conduct an electronic meeting in accordance with this section.
- (2)
 - (a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.
 - (b) The resolution, rule, or ordinance may:
 - (i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;
 - (ii) require a quorum of the public body to:
 - (A) be present at a single anchor location for the meeting; and
 - (B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection;
 - (iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;
 - (iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability; or
 - (v) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.
- (3) A public body that convenes or conducts an electronic meeting shall:
 - (a) give public notice of the meeting:
 - (i) in accordance with Section 52-4-202; and
 - (ii) except for an electronic meeting held without an anchor location under Subsection (4), post written notice at the anchor location;
 - (b) in addition to giving public notice required by Subsection (3)(a), provide:
 - (i) notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and
 - (ii) a description of how the members will be connected to the electronic meeting;
 - (c) except for an electronic meeting held without an anchor location under Subsection (4), establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;

- (d)
 - (i) provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting; or
 - (ii) for an electronic meeting held without an anchor location under Subsection (4), provide means by which the public may hear, or view and hear, the open portions of the meeting; and
- (e) if comments from the public will be accepted during the electronic meeting:
 - (i) provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting; or
 - (ii) for an electronic meeting held without an anchor location under Subsection (4), provide means by which members of the public may provide comments by electronic means to the public body.
- (4) A public body may convene and conduct an electronic meeting without an anchor location if the chair of the public body:
 - (a) makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;
 - (b) states in the written determination described in Subsection (4)(a) the facts upon which the determination is based;
 - (c) includes in the public notice for the meeting, and reads at the beginning of the meeting, the information described in Subsections (4)(a) and (b); and
 - (d) includes in the public notice information on how a member of the public may view or make a comment at the meeting.
- (5) A written determination described in Subsections (4)(a) and (b) expires 30 days after the day on which the chair of the public body makes the determination.
- (6) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 1, 2020 Special Session 5

52-4-208 Chance or social meetings.

- (1) This chapter does not apply to any chance meeting or a social meeting.
- (2) A chance meeting or social meeting may not be used to circumvent the provisions of this chapter.

Enacted by Chapter 14, 2006 General Session

52-4-209 Electronic meetings for charter school board.

- (1) Notwithstanding the definitions provided in Section 52-4-103 for this chapter, as used in this section:
 - (a) "Anchor location" means a physical location where:
 - (i) the charter school board would normally meet if the charter school board were not holding an electronic meeting; and
 - (ii) space, a facility, and technology are provided to the public to monitor and, if public comment is allowed, to participate in an electronic meeting during regular business hours.
 - (b) "Charter school board" means the governing board of a school created under Title 53G, Chapter 5, Charter Schools.
 - (c) "Meeting" means the convening of a charter school board:

- (i) with a quorum who:
 - (A) monitors a website at least once during the electronic meeting; and
 - (B) casts a vote on a website, if a vote is taken; and
 - (ii) for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the charter school board has jurisdiction or advisory power.
 - (d) "Monitor" means to:
 - (i) read all the content added to a website by the public or a charter school board member; and
 - (ii) view a vote cast by a charter school board member on a website.
 - (e) "Participate" means to add content to a website.
- (2)
- (a) A charter school board may convene and conduct an electronic meeting in accordance with Section 52-4-207.
 - (b) A charter school board may convene and conduct an electronic meeting in accordance with this section that is in writing on a website if:
 - (i) the chair verifies that a quorum monitors the website;
 - (ii) the content of the website is available to the public;
 - (iii) the chair controls the times in which a charter school board member or the public participates; and
 - (iv) the chair requires a person to identify himself or herself if the person:
 - (A) participates; or
 - (B) casts a vote as a charter school board member.
- (3) A charter school that conducts an electronic meeting under this section shall:
- (a) give public notice of the electronic meeting:
 - (i) in accordance with Section 52-4-202; and
 - (ii) by posting written notice at the anchor location as required under Section 52-4-207;
 - (b) in addition to giving public notice required by Subsection (3)(a), provide:
 - (i) notice of the electronic meeting to the members of the charter school board at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present;
 - (ii) a description of how the members and the public may be connected to the electronic meeting;
 - (iii) a start and end time for the meeting, which shall be no longer than 5 days; and
 - (iv) a start and end time for when a vote will be taken in an electronic meeting, which shall be no longer than four hours; and
 - (c) provide an anchor location.
- (4) The chair shall:
- (a) not allow anyone to participate from the time the notice described in Subsection (3)(b)(iv) is given until the end time for when a vote will be taken; and
 - (b) allow a charter school board member to change a vote until the end time for when a vote will be taken.
- (5) During the time in which a vote may be taken, a charter school board member may not communicate in any way with any person regarding an issue over which the charter school board has jurisdiction.
- (6) A charter school conducting an electronic meeting under this section may not close a meeting as otherwise allowed under this part.
- (7)
- (a) Written minutes shall be kept of an electronic meeting conducted as required in Section 52-4-203.

- (b)
 - (i) Notwithstanding Section 52-4-203, a recording is not required of an electronic meeting described in Subsection (2)(b).
 - (ii) All of the content of the website shall be kept for an electronic meeting conducted under this section.
 - (c) Written minutes are the official record of action taken at an electronic meeting as required in Section 52-4-203.
- (8)
- (a) A charter school board shall ensure that the website used to conduct an electronic meeting:
 - (i) is secure; and
 - (ii) provides with reasonably certainty the identity of a charter school board member who logs on, adds content, or casts a vote on the website.
 - (b) A person is guilty of a class B misdemeanor if the person falsely identifies himself or herself as required by Subsection (2)(b)(iv).
- (9) Compliance with the provisions of this section by a charter school constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 415, 2018 General Session

52-4-210 Electronic message transmissions.

Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.

Enacted by Chapter 25, 2011 General Session

**Part 3
Enforcement**

52-4-301 Disruption of meetings.

This chapter does not prohibit the removal of any person from a meeting, if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

Enacted by Chapter 14, 2006 General Session

52-4-302 Suit to void final action -- Limitation -- Exceptions.

- (1)
- (a) Any final action taken in violation of Section 52-4-201, 52-4-202, 52-4-207, or 52-4-209 is voidable by a court of competent jurisdiction.
 - (b) A court may not void a final action taken by a public body for failure to comply with the posting written notice requirements under Subsection 52-4-202(3)(a)(i)(B) if:
 - (i) the posting is made for a meeting that is held before April 1, 2009; or
 - (ii)
 - (A) the public body otherwise complies with the provisions of Section 52-4-202; and

(B) the failure was a result of unforeseen Internet hosting or communication technology failure.

- (2) Except as provided under Subsection (3), a suit to void final action shall be commenced within 90 days after the date of the action.
- (3) A suit to void final action concerning the issuance of bonds, notes, or other evidences of indebtedness shall be commenced within 30 days after the date of the action.

Amended by Chapter 403, 2012 General Session

52-4-303 Enforcement of chapter -- Suit to compel compliance.

- (1) The attorney general and county attorneys of the state shall enforce this chapter.
- (2) The attorney general shall, on at least a yearly basis, provide notice to all public bodies that are subject to this chapter of any material changes to the requirements for the conduct of meetings under this chapter.
- (3) A person denied any right under this chapter may commence suit in a court of competent jurisdiction to:
 - (a) compel compliance with or enjoin violations of this chapter; or
 - (b) determine the chapter's applicability to discussions or decisions of a public body.
- (4) The court may award reasonable attorney fees and court costs to a successful plaintiff.

Renumbered and Amended by Chapter 14, 2006 General Session

Amended by Chapter 263, 2006 General Session

52-4-304 Action challenging closed meeting.

- (1) Notwithstanding the procedure established under Subsection 63G-2-202(7), in any action brought under the authority of this chapter to challenge the legality of a closed meeting held by a public body, the court shall:
 - (a) review the recording or written minutes of the closed meeting in camera; and
 - (b) decide the legality of the closed meeting.
- (2)
 - (a) If the judge determines that the public body did not violate Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall dismiss the case without disclosing or revealing any information from the recording or minutes of the closed meeting.
 - (b) If the judge determines that the public body violated Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall publicly disclose or reveal from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed.
- (3) Nothing in this section may be construed to affect the ability of a public body to reclassify a record, as defined in Section 63G-2-103, as provided in Section 63G-2-307.

Amended by Chapter 425, 2018 General Session

52-4-305 Criminal penalty for closed meeting violation.

In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.

Enacted by Chapter 263, 2006 General Session

Park City Municipal Code
(as of May 31, 2019)

Title 3 Ethics

3-1 Code Of Ethics For Officials And Employees; Responsibility Of Public Officials

3-2 Disclosure; Conflicts Of Financial Interest

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3-1 Code Of Ethics For Officials And Employees; Responsibility Of Public Officials

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3-1-9 Political Activity Of Municipal Officer Or Employee

3-1-10 Later Case Interest; Future Employment

3-1-1 Declaration Of Policy

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all City officials and employees, whether elected or appointed, paid or unpaid.

The purpose of this Chapter is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City and by directing the disclosure by such officials and employees of private financial or other interests in matters affecting the City.

The provisions of this Chapter and such rules and regulations as may be established are hereby declared to be in the best interest of the City and for the protection of the public health, safety and welfare of its citizens.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-1-2 Fair And Equal Treatment

1. **INTEREST IN APPOINTMENTS**. The canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to municipal service, shall disqualify the candidate for appointment except with reference to positions filled by appointment by the City Council or the Mayor with the consultation of the City Council.
2. **DISCRIMINATION IN APPOINTMENTS**. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
3. **OBLIGATIONS TO CITIZENS**. No City officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-1-3 Agents Of Public Purpose

City officers and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold and impartially carry out federal, state and City laws. They are bound to observe, in their official acts, the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations. Recognizing that the public interests must be their primary concern, their conduct in both their official and private affairs should be above reproach.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-1-4 Gifts; Use Of Office For Personal Benefit Prohibited

1. No City officer or employee shall knowingly accept any economic benefit tantamount to a gift which creates a conflict of financial interest and is given by any person, firm or corporation which to his or her knowledge it interested, directly or indirectly, in any manner whatsoever in business dealings with the City. No City officer or employee shall accept any economic benefit tantamount to a gift regardless of amount, retainer or compensation that is contingent upon a specific action by the City Council, a City commission, board or committee, or a City agency.
2. No City employee who has procurement decision making authority and is engaged in the procurement process, or the process of administering a contract, or his or her family members, may knowingly receive anything of value including, but not limited to gifts, meals, lodging, or travel from anyone who is seeking or

has a contract with the City. "Anything of value" excludes hospitality gifts valued at less than \$10, and is not over \$50 annually from the same individual.

3. As used in this section, an "economic benefit tantamount to a gift" includes:
 1. A loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and
 2. Compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.
4. It is an offense for an elected or appointed officer or City employee to:
 1. disclose or improperly use private, controlled, or protected information acquired by reason of his or her official position or in the course of official duties in order to substantially further the officer's or employee's personal economic interest or to secure special privileges or exemptions for himself or others;
 2. use or attempt to use his or her official position to:
 1. substantially further the officer's or employee's personal economic interest; or
 2. secure special privileges for himself or herself or others; or
 3. knowingly receive, accept, take, seek, or solicit, directly or indirectly, for himself or another a bribe, gift of substantial value, or a substantial economic benefit tantamount to a gift that:
 1. would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
 2. the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
5. **EXCEPTIONS.** Subsection (D)(3) does not apply to:
 1. an occasional nonpecuniary or hospitality gift having a value of less than \$10, and is not over \$50 total annually from the same individual;
 2. an award publicly presented in recognition of services;
 3. any bonafide loan made in the ordinary course of business;
 4. a political campaign contribution; or
 5. any gift which would have been offered or given to a person if he or she were not a City officer or employee.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

Amended by Ord. 2018-28 on 6/26/2018

3-1-5 Use Of Public Property

No City officer or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official City business.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-1-6 Ex Parte Communications

1. No City officer or employee who has the power to act on a pending quasi-judicial matter shall encourage, make or accept any ex parte or other unilateral application or communication that includes the interests of other parties in a quasi-judicial matter under consideration when such application or communication is designed to influence the official decision or conduct of the officer or other officers, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of him or herself or others. The purpose of this provision is to guarantee that all interested parties to any quasi-judicial matter shall have equal opportunity to express and represent their interests.
2. Any written ex parte communication received by an official or employee in matters where all interested parties should have an equal opportunity for a hearing shall be made a part of the record by the recipient.
3. Any oral ex parte communication received under such conditions should be written down in substance by the recipient and also be made a part of the record.
4. A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-1-7 City Allegiance And Proper Conduct

1. **INCOMPATIBLE EMPLOYMENT**. No City officer or employee shall engage in or accept any private employment, or render services for private interest, when such employment or service is incompatible with proper discharge of his or her official duties or would tend to impair his or her independence or judgment or action in the performance of those duties unless otherwise permitted by law.
2. **REPRESENTING PRIVATE INTEREST BEFORE THE CITY AGENCIES**. No City officer or employee shall appear on behalf of any private person, other than himself, his spouse or minor children before any City agency. However, a member of the City Council may appear before City agencies on behalf of his

constituent in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-1-8 Avoidance Of Impressions Of Corruptibility

City officer and employees, whether appointed or elected, full time or part time, paid or unpaid, should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such officer or employee can be improperly influenced in the performance of his or her public duties. Such officers or employees should so conduct themselves as to maintain public confidence in their performance of the public trust in the government they represent. All City officials and employees should avoid even the appearance of conflict between their public duties and private interests.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-1-9 Political Activity Of Municipal Officer Or Employee

1. For purposes of this section, "hours of employment" means occurring at a time when a City officer or employee is acting within the course and scope of employment, but excludes a lunch break afforded to the officer or employee.
2. Except as otherwise provided by federal law:
 1. the partisan political activity, political opinion, or political affiliation of an applicant for a position with a municipality may not provide a basis for denying employment to the applicant;
 2. a City officer or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, or dismissal;
 3. A City officer or employee may not engage in political campaigning or solicit political contributions during hours of employment;
 4. A City officer or employee may not use City equipment while engaged in political activity;
 5. A City officer or employee may not directly or indirectly coerce, command, or advise another City officer or employee to pay, lend, or contribute part of the officer or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes; and
 6. A City officer or employee may not attempt to make another officer or employee's personnel status dependent on the officer or employee's

support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

3. A City employee who has filed a declaration of candidacy may:
 1. be given a leave of absence for the period between the primary election and the general election; and
 2. use any vacation or other leave available to engage in campaign activities.
4. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
5. Nothing in this Chapter may be construed to:
 1. prohibit a City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
 2. permit a City officer or employee partisan political activity that is prohibited under federal law.
6. No officer or employee shall orally, by letter or otherwise solicit or participate in soliciting any assessment, subscription or contribution to any political party during working hours on the premises of any governmental property owned by the City.
7. No officer or employee, whether elected or appointed, shall promise any appointment to any position with the City as a reward for any political activity.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-1-10 Later Case Interest; Future Employment

It is improper for any former City officer or employee, after the termination of service or employment with the City, to appear as a compensated representative before the City Council, or any of its agencies, in connection with any case or matter in which such former officer or employee was duly connected or personally participated in a policy-making capacity or managerial capacity while an officer or employee of the City during the period of his service or employment, or which was under his active consideration.

Such former officer or employee may be released from the obligation imposed by the provisions of this section upon the submission of a written request to the Council in advance of his or her proposed appearance and a certification that, while an officer or employee of the City, took no action or obtained no information which would prejudice his or her conduct or presentation, either at the time he or she was an officer or employee, or at the time of the presentation.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-2 Disclosure; Conflicts Of Financial Interest

3-2-1 Purpose

3-2-2 Conflict Of Interest Code

3-2-3 Definitions

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3-2-5 Preacquisition Of Interest; Interest In Contract Or Transaction

3-2-6 Disclosure Of Information

3-2-7 Public Contracts

3-2-8 Exceptions To Chapter

3-2-9 Compensation For Assistance In Transaction Involving City - Public Disclosure And Filing Required

3-2-10 Interest In Business Entity Regulated By Municipality - Disclosure Statement

3-2-11 Complaints Charging Violations - Procedure

3-2-1 Purpose

The purpose of this Chapter is to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-2-2 Conflict Of Interest Code

With regard to conflicts of financial interests, this Chapter shall be deemed the 'Conflicts of Interest Code' of Park City Municipal Corporation.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-2-3 Definitions

1. **APPOINTED OFFICER.** Any person appointed to any statutory office or position or any other person appointed to any position of employment with the City. Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word 'officer' in this part is not intended to make appointed persons or employees 'officers' of the City.
2. **ASSIST.** Means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

3. **BUSINESS ENTITY.** A sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
4. **CITY EMPLOYEE.** A person who is not an elected or appointed officer who is employed on a full or part-time basis by the City.
5. **CITY OFFICER.** Any appointed or elected officer. Shall include the Mayor, City Council, all Mayor-appointed City officials and the members of City agencies, boards, committees, and commissions.
6. **COMPENSATION.** Anything of economic value, however, designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property or any other thing whatsoever.
7. **ELECTED OFFICER.** Any person elected or appointed to the office of Mayor or City Council.
8. **IMPROPER DISCLOSURE.** Disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.
9. **INTEREST.** Direct or indirect pecuniary or material benefit accruing to a City officer or employee as a result of an official act or action by or with the City, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this Chapter, an appointed or elected officer or City employee shall be deemed to have an interest in the affairs of:
 1. any person related to him by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity, determined by the civil law method, and a divorce or separation between spouses shall not be deemed to terminate any such relationship;
 2. any person or business entity with whom a contractual relationship exists with the elected or appointed officer, or City employee;
 3. any business entity in which the appointed or elected officer or City employee is an officer, director, or member having a financial interest in, or employed by;
 4. any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the City officer or employee.
10. **MUNICIPAL BODY.** Any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.
11. **OFFICIAL ACT OR ACTION.** Any specific decision or action on a question, matter, cause, suit, proceeding or controversy, whether it be a legislative, administrative, appointive or discretionary act or decision that is pending or may

by law be brought before any City officer or employee of the City or any agency, board, committee or commission thereof.

12. **POLITICAL PURPOSE.** An act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the election of a candidate or the disposition of any issue on the ballot at a municipal election.
13. **PRIVATE, CONTROLLED, OR PROTECTED INFORMATION.** Information classified as private, controlled, or protected under Utah State Code Title 62G, Chapter 2, Government Records Access and Management Act, as amended, or other applicable provision of law.
14. **SUBSTANTIAL INTEREST.** Ownership, either legally or equitably, by an individual, his or her spouse, or his or her minor children, of at least ten percent (10%) of the outstanding shares of a corporation or ten percent (10%) interest in any other business entity.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

Amended by Ord. 2018-28 on 6/26/2018

3-2-4 Conflict Of Interest Disclosure In Legislative Action

1. Every City officer who is an officer, director, agent, or employee or the owner of a substantial interest or has any personal interest or investment in any business entity which does or anticipates doing business with the City, shall publicly disclose to the members of the body in which he or she is a member or by which he or she is employed immediately prior to any proposed action or discussion by such body concerning matters relating to such business entity, the nature of his or her interest in that business entity.
2. Any personal interest or investment by a City officer or employee which creates a conflict between the employee's or official's personal interests and his public duties shall be disclosed in open meeting to the members of the municipal body.
3. The disclosure statement shall be entered in the minutes of the meeting.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-2-5 Preacquisition Of Interest; Interest In Contract Or Transaction

No City officer or employee with respect to any contract or transaction which is or may be subject to an official act or action of the City shall acquire an interest in such contract or transaction at a time when the City officer or employee believes or has reason to believe that it will directly or indirectly be affected by an official act of the City.

Regardless of whether he or she abstained from participating in the City decision to award or enter into a contract, no elected or appointed City officer, or employee having

the power or duty to perform an official act or action, related to a contract or transaction, shall:

1. have or thereafter acquire an interest in such contract or transaction; or
2. have an interest in any business entity representing advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction; or
3. have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction;
4. have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract or transaction; or
5. have encouraged, made or accepted any ex parte or unilateral applications or communication where a determination is to be made after a public hearing and such public employee fails to make the contents of the communication a part of the record.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-2-6 Disclosure Of Information

No City officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the City shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, or use such information to advance the financial or other interests of himself or others.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-2-7 Public Contracts

No City officer or employee shall enter into any contract with the City or participate in the making of a contract in which he or she has a direct or indirect private pecuniary interest, if in his or her capacity as a City employee or officer:

1. he or she participated in the making of the contract; or
2. he or she performed in regard to that contract some function requiring the exercise of discretion on his or her part, unless:
 1. the contract is awarded through a process of public notice and competitive bidding; or
 2. the City Attorney determines that it is the best interest of the City to do so.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991
Amended by Ord. 95-38 on 7/27/1995
Amended by Ord. 01-26 on 7/12/2001
Amended by Ord. 2018-28 on 6/26/2018*

3-2-8 Exceptions To Chapter

It shall not be deemed a violation of the standards of this Chapter if the interest of a City officer or employee, as a person or business entity, is:

1. a contractual obligation of less than five hundred dollars (\$500.00), which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under the obligation to make or incur; or
2. a commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans ; or
3. a contract for a commercial retail sale, even though over the value of five hundred dollars (\$500.00).

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991
Amended by Ord. 95-38 on 7/27/1995
Amended by Ord. 01-26 on 7/12/2001
Amended by Ord. 2018-28 on 6/26/2018*

3-2-9 Compensation For Assistance In Transaction Involving City - Public Disclosure And Filing Required

Refer to Utah Code Section 10-3-1305, hereby incorporated.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991
Amended by Ord. 95-38 on 7/27/1995
Amended by Ord. 01-26 on 7/12/2001*

3-2-10 Interest In Business Entity Regulated By Municipality - Disclosure Statement

Refer to Utah Code Section 10-3-1306, hereby incorporated.

HISTORY

*Adopted by Ord. 91-22 on 12/19/1991
Amended by Ord. 95-38 on 7/27/1995
Amended by Ord. 01-26 on 7/12/2001*

3-2-11 Complaints Charging Violations - Procedure

1. Any complaint against a person who is under the merit system, charging that person with a violation of this Chapter, shall be filed and processed in accordance with the provisions of the merit system.
2. If the person charged with the violation is not under any merit system, then the complaint shall be filed with the Mayor or City Manager. The Mayor or City Manager shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the Mayor or City Manager shall be filed with the governing body. If the governing body finds that the person has violated this part, it may dismiss, suspend, or take such other appropriate action with respect to the person.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-3 Campaign Disclosure

3-3-1 Purpose

3-3-2 Definitions

3-3-3 Separate Bank Account Required

3-3-4 Contributions To Candidates - Limitations

3-3-5 Campaign Contributions And Expenditures To Be Reported

3-3-6 Disbursement Of Surplus Campaign Funds

3-3-7 Failure To File Campaign Finance Statement

3-3-8 Notification By Election Official

3-3-9 Public Inspection

3-3-10 Civil Action

3-3-1 Purpose

It is the intent of this section to encourage candidates for the office of Mayor or Council member to follow the basic principles of decency, honesty, and fair play in order that there be fairly conducted campaigns and that the citizens of Park City may exercise their constitutional right to vote, free from dishonest and unethical practices.

Candidates are encouraged to conduct their campaigns openly and publicly, discussing the issues as they see them, presenting their record and policies with sincerity and frankness, and criticizing without fear or disfavor the record and policies of their opponents or political parties which merit such criticism.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-3-2 Definitions

1. **CAMPAIGN STATEMENT**. Sworn election campaign contribution and expenditure statement prepared and executed by a candidate.

2. **CAMPAIGN COMMITTEE**. A committee of citizens formed to campaign for a specific candidate.
3. **CANDIDATE**. Any person who:
 1. files a declaration of candidacy for an elected office of the City; or
 2. received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or
 3. 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.
4. **CONTRIBUTION**.
 1. Any of the following when done for political purposes:
 1. A gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value, or on behalf of a candidate, or a candidate's election committee.
 2. An express, legally-enforceable contract, promise, or agreement to make a gift, subscription, donation, loan, advance, or deposit of money or anything of value to or on behalf of a candidate, or a candidate's election committee.
 3. Any transfer of funds from a political committee, a party committee, another candidate, an officeholder, or a campaign committee to a candidate, or a candidate's election committee.
 4. Compensation paid by any person or committee, other than the candidate, or the candidate's election committee, for personal services rendered for, but without charge to, the candidate or the candidate's election committee;
 5. Goods or services provided at less than fair market value to, or for the benefit of a candidate, or a candidate's election committee.
 2. For the purposes of this Chapter, contributions other than money or its equivalent shall be deemed to have a value equivalent to the fair market value of the contribution.
 3. 'Contribution' does not include:
 1. services provided without compensation by an individual or individuals volunteering their time on behalf of a candidate, or a candidate's election committee;
 2. money lent to a candidate or a candidate's election committee, at market rate, in the ordinary course of business.
5. **DISBURSEMENT**. Monies, transfers, or other withdrawals from a fund for any purpose.
6. **EXPENDITURE**.

1. Any disbursement from contributions, receipts or from the separate bank account required by this Chapter;
2. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, made by or on behalf of a candidate or a candidate's election committee for political purposes;
3. An express, legally-enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, by or on behalf of a candidate or the candidate's election committee for political purposes;
4. A transfer of funds between political or party committees and a candidate's election committee; or
5. Goods or services provided to or for the benefit of another candidate or another candidate's election committee for political purposes at less than fair market value.
6. Expenditure does not mean services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate.
7. **ELECTION OFFICIAL**. The City Recorder or designee.
8. **FINANCIAL STATEMENT**. A statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this Chapter.
9. **POLITICAL PURPOSE**. 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 for public office at any primary or general election.
10. **REPORTING DATE**.
 1. Ten (10) days before primary or municipal general election for a campaign finance statement to be filed no later than seven (7) days before a municipal primary or general election; and
 2. the day of filing, for a campaign finance statement required to be filed no later than thirty (30) days after a municipal primary or general election.
11. **REPORTING LIMIT**. \$50.
12. **SUROGATE**. Any committee, party, organization, or other person or group who holds or maintains a fund for the benefit of an elected official.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

Amended by Ord. 07-31 on 5/31/2007

Amended by Ord. 09-12 on 3/12/2009

3-3-3 Separate Bank Account Required

1. Each candidate or candidate's personal election committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.

2. The candidate or candidate's personal campaign committee may use the monies in those accounts for political purposes only.
3. A candidate or a candidate's personal campaign committee may not deposit or mingle any contributions received in a personal or business account.
4. If a person is no longer a candidate, surplus campaign funds must be dispersed pursuant to criteria in Section 3-3-6 below and reported in the candidate's final campaign statement.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-3-4 Contributions To Candidates - Limitations

1. No person shall make cash contributions, the total of which exceeds fifty dollars (\$50.00), during any one campaign, to any candidate or his or her authorized election campaign committee, with respect to any election for City office; however, there shall be no limit as to the amount contributed by a person or entity to an election committee or candidate if that contribution is made in the form of a personal or certified check or bank draft.
2. The acceptance of anonymous contributions is prohibited. Any anonymous contribution received by a candidate or election committee shall be transmitted to the City Treasurer for deposit in the general fund.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-3-5 Campaign Contributions And Expenditures To Be Reported

Each candidate or election campaign committee must file a sworn campaign contribution and expenditure finance statement, that reports all of the candidate's itemized and total campaign contributions, including in-kind and other non-monetary contributions, and campaign expenditures, as of the reporting date, as follows:

1. **SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT - CONTENT.** The campaign finance statements shall include a detailed listing of each monetary and service contribution received and expenditure made, as follows:
 1. **Contributions.** A list of campaign contributions more than fifty dollars (\$50.00) received by, or on behalf of, the candidate or his/her election committee, including:
 1. the name and address of the contributor;
 2. the date contribution was received;

3. dollar amount contributed or fair market value of service contributed; and
 4. a net balance of contributions for the period.
2. **Contributions Fifty Dollars (\$50.00) or Less.**
1. For all individual contributions or public service assistance \$50 or less, a single aggregate figure may be reported without separate detailed listings.
 2. Two (2) or more contributions from the same source that have an aggregate total more than \$50 may not be reported in the aggregate, but shall be reported separately per section (1) above.
3. **Expenditures.** A list of expenditures made and obligations incurred as a part of the campaign effort shall include:
1. the name and address of every recipient to whom disbursement was made;
 2. the amount expended or for each non-monetary expenditure, the fair market value of the expenditure;
 3. the date of payment; and
 4. a net balance of expenditures for the period.
4. **Statements Balances.** Each campaign statement shall include the net balance from the previous statement, if any, and show a net balance from the last statement plus all receipts minus all expenditures.
2. **REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT IN THE EVENT OF A PRIMARY ELECTION – DEADLINE.** In the event a Primary Election is required, every candidate running for the office of Mayor or City Council shall file an initial campaign statement with the Election Official at least seven (7) calendar days preceding the date of the primary election. See criteria outlined in Section (A).
3. **REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT BY CANDIDATE(S) ELIMINATED IN PRIMARY - DEADLINE.** Those candidates eliminated in the primary election must file a final campaign finance statement with the Election Official within thirty (30) calendar days after the primary election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above. The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate’s knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report. Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.
4. **REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT PRECEDING MUNICIPAL GENERAL ELECTION - DEADLINE.** Following the primary election, every candidate still

eligible for the office of Mayor or City Council in the general election shall file a campaign finance statement with the Election Official at least seven (7) calendar days preceding the date of the general municipal election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A).

5. **REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT**. All candidates in the general election must file a final campaign finance statement with the Election Official within thirty (30) days after the general election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above. The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report. Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.
6. **AMENDED FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT**. In the event a candidate or candidate's campaign committee receives a contribution or makes an expenditure after the candidate's final campaign finance statement has been submitted to the Election Official, an amended final sworn campaign finance statement must be filed with the Election Official within five (5) days of receipt of the contribution or expenditure. A campaign finance statement required under this section is considered filed if it is received in the City Recorder's office by 5 p.m. on the date that it is due.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

Amended by Ord. 02-05 on 5/9/2002

Amended by Ord. 07-31 on 5/31/2007

Amended by Ord. 09-12 on 3/12/2009

3-3-6 Disbursement Of Surplus Campaign Funds

Surplus campaign funds held by the candidate or the candidate's committee must be disbursed at the end of the campaign. Disbursement is normally accomplished by returning contributed monies or other tangible contributions to the contributor, or donating the contributions to a non-profit organization.

The disbursement of any surplus campaign funds must be reported in the final campaign finance statement.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

Amended by Ord. 07-31 on 5/31/2007

3-3-7 Failure To File Campaign Finance Statement

1. If a candidate fails to file a campaign finance statement before the municipal election by the deadline specified in Municipal Code Section 3-3-5(C):
 1. The Election Official shall, if practicable, remove the candidate's name from the ballot by blacking out the candidates name before the ballots are delivered to the voters; or
 2. 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
 3. The Election Official may not count any votes for that candidate.
2. Notwithstanding Section (A) above, a candidate who files a campaign finance statement seven (7) days before a municipal general election is not disqualified if the statement details accurately and completely the information required under Section 3-3-5(A), except for inadvertent omissions or insignificant errors or inaccuracies; and the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

Amended by Ord. 07-31 on 5/31/2007

3-3-8 Notification By Election Official

The municipal clerk, recorder or Election Official 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 this Chapter and U.C.A. Section 10-3-208(4) governing the disclosure of campaign contributions and expenditures;
2. The dates when the candidate's campaign finance statement is required to be filed; and
3. 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.

HISTORY

Adopted by Ord. 07-31 on 5/31/2007

3-3-9 Public Inspection

1. The Election Official shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one (1) business day after the statement is filed, and
2. The Election Official shall make the campaign finance statement filed by a candidate available for public inspection by:
 1. posting an electronic copy of the contents of the statement on the City's website no later than seven (7) business days after the statement is filed; and verifying that the address of the City's website is provided to the Utah Lieutenant Governor pursuant to the requirements of U.C.A. Section 20A-11-103(5), as amended; or
 2. submitting a copy of the statement to the Lieutenant Governor under U.C.A. Section 20A-11-103, as amended, no later than two (2) business days after the statement is filed.

The Election Official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall make them available as a public record open for public inspection.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

Amended by Ord. 09-12 on 3/12/2009

3-3-10 Civil Action

1. Any private party in interest may bring a civil action in district court to enforce the provisions of this Section or any ordinance adopted under this Section.
2. In a civil action filed under Subsection (A), the court may award costs and attorney's fees to the prevailing party.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

Amended by Ord. 07-31 on 5/31/2007

3-4 Written Advisory Opinions

Where any Council member, official, or employee has a doubt as to the applicability of any provision of this Title to a particular situation, or as to the definition of terms used herein, he or she may apply to the City Attorney for a written advisory opinion. The officer or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of the title before such advisory opinion is made. Such opinion, until amended or revoked, shall be binding on the City,

the City Council, and the City Attorney in any subsequent actions concerning the Council member, official, or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

Any written advisory opinion prepared by the City Attorney shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the City Attorney unless the City officer or employee waives such confidentiality or where the City Attorney deems the public official to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-5 Enforcement; Penalties

3-5-1 Enforcement

3-5-2 Penalties

3-5-1 Enforcement

The City Attorney shall have the primary responsibility for the enforcement of this Title. He shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the City where such action is appropriate. The City Council may direct the City Attorney to investigate or prosecute any apparent violation of the Title or it may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one or more persons of this Title. Any person who believes that a violation of any portion of Title 3 has occurred may file a complaint with the City Attorney.

The City Attorney shall have the power, where a violation of the provisions of this Title is threatened or has occurred, to bring an action or proceeding at law or in equity for a judgment enjoining a violation of the provisions of this Title or requiring a relinquishment of any prohibited interest or the voiding of any contract or transaction, taking into account the interests of the attorney and any third persons who may be injured thereby.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

3-5-2 Penalties

In addition to any other penalties or remedies provided by law, any violation of the provisions of this Title shall result in the following:

1. A cause for suspension, removal from office or dismissal from employment, or other disciplinary action after notice and hearing conducted by the appropriate appointed authority, or in the case of the Council, a majority of the City Council;
2. Any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the City may be rescinded or void.

HISTORY

Adopted by Ord. 91-22 on 12/19/1991

Amended by Ord. 95-38 on 7/27/1995

Amended by Ord. 01-26 on 7/12/2001

Amended by Ord. 2018-28 on 6/26/2018

Effective 5/14/2019

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

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

(a) "Agent of a candidate" means:

- (i) a person acting on behalf of a candidate at the direction of the reporting entity;
- (ii) a person employed by a candidate in the candidate's capacity as a candidate;
- (iii) the personal campaign committee of a candidate;
- (iv) a member of the personal campaign committee of a candidate in the member's capacity as a member of the personal campaign committee of the candidate; or
- (v) a political consultant of a candidate.

(b) "Anonymous contribution limit" means for each calendar year:

- (i) \$50; or
- (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

(c)

(i) "Candidate" means a person who:

- (A) files a declaration of candidacy for municipal office; or
- (B) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a municipal office.

(ii) "Candidate" does not mean a person who files for the office of judge.

(d)

(i) "Contribution" means any of the following when done for political purposes:

- (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;
- (B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the candidate;
- (C) any transfer of funds from another reporting entity to the candidate;
- (D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;
- (E) a loan made by a candidate deposited to the candidate's own campaign; and
- (F) an in-kind contribution.

(ii) "Contribution" does not include:

- (A) services provided by an individual volunteering a portion or all of the individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;
- (B) money lent to the candidate by a financial institution in the ordinary course of business; or
- (C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.

(e) "Coordinated with" means that goods or services provided for the benefit of a candidate are provided:

- (i) with the candidate's prior knowledge, if the candidate does not object;
- (ii) by agreement with the candidate;
- (iii) in coordination with the candidate; or
- (iv) using official logos, slogans, and similar elements belonging to a candidate.

(f)

- (i) "Expenditure" means any of the following made by a candidate or an agent of the candidate on behalf of the candidate:
 - (A) any disbursement from contributions, receipts, or from an account described in Subsection (3)(a)(i);
 - (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
 - (C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;
 - (D) compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;
 - (E) a transfer of funds between the candidate and a candidate's personal campaign committee as defined in Section 20A-11-101; or
 - (F) goods or services provided by a reporting entity to or for the benefit of the candidate for political purposes at less than fair market value.
 - (ii) "Expenditure" does not include:
 - (A) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate; or
 - (B) money lent to a candidate by a financial institution in the ordinary course of business.
 - (g) "In-kind contribution" means anything of value other than money, that is accepted by or coordinated with a candidate.
 - (h)
 - (i) "Political consultant" means a person who is paid by a candidate, or paid by another person on behalf of and with the knowledge of the candidate, to provide political advice to the candidate.
 - (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i), where the person:
 - (A) has already been paid, with money or other consideration;
 - (B) expects to be paid in the future, with money or other consideration; or
 - (C) understands that the person may, in the discretion of the candidate or another person on behalf of and with the knowledge of the candidate, be paid in the future, with money or other consideration.
 - (i) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal office at any caucus, political convention, or election.
 - (j) "Reporting entity" means:
 - (i) a candidate;
 - (ii) a committee appointed by a candidate to act for the candidate;
 - (iii) a person who holds an elected municipal office;
 - (iv) a party committee as defined in Section 20A-11-101;
 - (v) a political action committee as defined in Section 20A-11-101;
 - (vi) a political issues committee as defined in Section 20A-11-101;
 - (vii) a corporation as defined in Section 20A-11-101; or
 - (viii) a labor organization as defined in Section 20A-11-1501.
- (2)

- (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a candidate that are more stringent than the requirements provided in Subsections (3), (4), and (5).
 - (b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).
 - (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3), (4), and (5).
- (3)
- (a) Each candidate:
 - (i) shall deposit a contribution in a separate campaign account in a financial institution; and
 - (ii) may not deposit or mingle any campaign contributions received into a personal or business account.
 - (b) In a year in which a municipal primary is held, each candidate who will participate in the municipal primary shall file a campaign finance statement with the municipal clerk or recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).
 - (c) Each candidate who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:
 - (i) no later than seven days before the day on which the municipal general election is held; and
 - (ii) no later than 30 days after the day on which the municipal general election is held.
 - (d) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement within 30 days after the day on which the municipal primary election is held.
- (4) Each campaign finance statement described in Subsection (3) shall:
- (a) except as provided in Subsection (4)(b):
 - (i) report all of the candidate's itemized and total:
 - (A) contributions, including in-kind and other nonmonetary contributions, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and
 - (B) expenditures made up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and
 - (ii) identify:
 - (A) for each contribution, the amount of the contribution and the name of the donor, if known; and
 - (B) for each expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or
 - (b) report the total amount of all contributions and expenditures if the candidate receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- (5) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the anonymous contribution limit, and is from a donor whose name is unknown, a candidate shall disburse the amount of the contribution to:
- (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
 - (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (6)
- (a) A municipality may, by ordinance:
 - (i) provide an anonymous contribution limit less than \$50;

- (ii) require greater disclosure of contributions or expenditures than is required in this section; and
 - (iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.
- (b) A candidate is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (6)(a) if:
 - (i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and
 - (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (7).
- (7) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 14 days before each municipal general election, notify the candidate in writing of:
 - (a) the provisions of statute or municipal ordinance governing the disclosure of contributions and expenditures;
 - (b) the dates when the candidate's campaign finance statement is required to be filed; and
 - (c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.
- (8) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:
 - (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
 - (b) make the campaign finance statement filed by a candidate available for public inspection by:
 - (i)
 - (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and
 - (B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
 - (ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.
- (9)
 - (a) If a candidate fails to timely file a campaign finance statement required under Subsection (3), the municipal clerk or recorder shall inform the appropriate election official who:
 - (i) shall:
 - (A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or
 - (B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
 - (ii) may not count any votes for that candidate.
 - (b) Notwithstanding Subsection (9)(a), a candidate who timely files each campaign finance statement required under Subsection (3) is not disqualified if:
 - (i) the statement details accurately and completely the information required under Subsection (4), except for inadvertent omissions or insignificant errors or inaccuracies; and
 - (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

- (c) A candidate for municipal office who is disqualified under Subsection (9)(a) shall file with the municipal clerk or recorder a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.
- (10) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.
- (11)
 - (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.
 - (b) In a civil action under Subsection (11)(a), the court may award costs and attorney fees to the prevailing party.

Amended by Chapter 74, 2019 General Session

20A-9-206 Fair campaign practices -- Voluntary pledge -- Pledge is a public record -- Retention requirements.

- (1) Each person seeking to become a candidate for any elective office that is to be filled at the next election shall be provided with a copy of the pledge of fair campaign practices.
- (2) The pledge shall be in the following form:

"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: _____

- (3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be distributed to persons filing a declaration of candidacy.
- (4) A pledge that is submitted for filing by a candidate is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.
- (5) The filing officer shall:
 - (a) accept all signed pledges that are submitted for filing; and
 - (b) retain each filed pledge for public inspection for 30 calendar days after the election.
- (6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair campaign practices.



Important Contact Information

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** If you have questions regarding elections please call Michelle or Mark. If you would like to schedule time with a department manager or for time with Diane please contact Leah.