

ORDINANCE NO 2023-7-O

AN ORDINANCE AMENDING SECTION 2.44.140 OF THE LINDON CITY CODE, SO AS TO BRING THIS SECTION INTO CONFORMANCE WITH RECENT CHANGES IN STATE CODE AS IT RELATES TO CAMPAIGN FINANCE DISCLOSURES.

WHEREAS, during the 2023 legislative session, the Utah legislature passed House Bill 69; and

WHEREAS, House Bill 69 modifies portions of the municipal election code found in Title 10, Chapter 3, Part 2 of the Utah Code, specifically relating to campaign finance disclosures; and

WHEREAS, the Lindon City Council desires to ensure the City Code conforms with these recent changes:

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, as follows:

PART ONE: AMENDMENT OF SECTION 2.44.140 OF THE LINDON CITY CODE.

Section 2.44.140 of the Lindon City Code, is hereby amended as follows:

2.44.140 Campaign Finance Disclosures.

1. *Deposit of Monetary Contributions.* Each candidate:
 - a. Shall deposit a monetary contribution in a separate campaign account in a financial institution; and
 - b. May not deposit or mingle any monetary contributions received into a personal or business account.
2. *Anonymous Contributions.* For purposes of this Section "Anonymous Contribution Limit" means a contribution of \$50.00 or more. Within thirty (30) days of receiving a contribution that exceeds the Anonymous Contributions Limit, a candidate shall disburse the amount of the anonymous contribution to either:
 - a. The Utah State Treasurer for deposit into the state's general fund;
 - b. The Lindon City clerk for deposit into the city's general fund; or
 - c. An organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.
3. 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 City Recorder ~~municipal clerk or recorder~~ no later than twenty-eight (28) seven (7) days before the date of the primary election as set by §20A-1-201.5 of the Utah Code.
4. Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the City Recorder a campaign finance statement as described in this Section ~~chapter~~:

- a. No later than ~~seven (7)~~ twenty-eight (28) days before the date of the municipal general election; and
 - b. No later than thirty (30) days after the date of the municipal general election.
5. Each candidate for municipal office who is eliminated at a municipal primary election shall file with the City Recorder a campaign finance statement as described in this ~~Section~~ chapter no later than thirty (30) days after the date of the municipal primary election.
6. The campaign finance statement for each candidate who receives more than five hundred dollars (\$500.00) in campaign contributions or spends more than five hundred dollars (\$500.00) on the candidate's campaign shall:
 - a. Report all of the candidate's itemized and total campaign contributions, including contributions given to the candidate or an agent of the candidate, which were received before the close of the reporting date;
 - b. Itemize each individual contribution amount, regardless of whether the contribution exceeds the Anonymous Contribution Limit ~~reporting limit~~;
 - c. For each contribution which exceeds the Anonymous Contribution Limit ~~reporting limit~~, identify the name of the donor;
 - d. Report all of the candidate's campaign expenditures made through the close of the reporting date; and
 - e. Identify for each campaign expenditure the amount of the expenditure and the name of the recipient of the expenditure.
7. The campaign finance statements for each candidate who receives five hundred dollars (\$500.00) or less in campaign contributions and spends less than five hundred dollars (\$500.00) on the candidate's campaign expenditures shall only be required to report the total amount of all campaign contributions and campaign expenditures.
8. Campaign finance statements, which are required to be filed ~~twenty-eight (28)~~ seven (7) days before the municipal primary and the general elections, shall include all contributions received and all expenditures made up to and including five (5) days before the campaign finance statement is due.
9. The City Recorder shall, at the time a candidate for municipal office files a declaration of candidacy, and again ~~thirty-five (35)~~ fourteen (14) days before each municipal general election, notify the candidate in writing of:
 - a. The provisions of this ~~Section~~ chapter;
 - 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.
10. The City Recorder shall make each campaign finance statement filed by a candidate available for public inspection and copying at the Lindon City offices no later than one (1) business day after the statement is filed.
- a. Campaign finance statements shall also be made available for public inspection by:
 - i. Posting an electronic copy or the content of the statement on the City's website no later than seven business days after it is filed; and
 - ii. The City Recorder shall verify that the address of the City's website has been provided to the lieutenant governor in order to meet the requirements of § 20A-11-103 of the Utah Code.
11. If a candidate fails to file a campaign finance statement before the municipal primary or general election by the deadline specified herein the following procedures shall be followed: the city recorder shall: inform the appropriate election official who shall, if practicable:
- a. The City Recorder shall impose a fine of \$50 on any candidate who is not disqualified under Subsection 11(c); Remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or
 - b. The City Recorder shall send an electronic notice to the candidate that states:
 - i. That the candidate has failed to timely file the campaign finance statement;
 - ii. That, if the candidate fails to file the campaign finance statement within 24 hours after the deadline for filing the statement, the candidate will be disqualified.; and
 - iii. That a \$50 fine will be imposed on the candidate if they choose to avoid disqualification and file the campaign finance statement within 24 hours after the deadline for filing the statement.
 - c. If the candidate fails to file the campaign finance statement within 24 hours after the deadline for filing the statement, the City Recorder shall disqualify a candidate and inform the appropriate election official that the candidate is disqualified. 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.
 - d. If a candidate is disqualified under Subsection 11(c) the City Recorder shall:
 - i. Notify every opposing candidate for municipal office that the candidate is disqualified;
 - ii. Send an email notification to each voter who is eligible to vote in the municipal election for whom the City Recorder has an email address. Such notice shall

inform the voter that the candidate is disqualified and that votes cast for that candidate will not be counted;

iii. Post notice of the disqualification on the City website and include a statement that votes cast for the disqualified candidate will not be counted; and

iv. If practical, remove, or request the appropriate election official to remove, the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters.

e. A candidate who is disqualified under Subsection 11(c) shall still be required to file with the City Recorder a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.

12. Election officials may not count any votes for a candidate who has been disqualified for failure to comply with this Section.

13. A candidate who timely files a campaign finance statement, but which contains omissions, errors or inaccuracies which are inadvertent and are insignificant, seven (7) days before a municipal general election is not disqualified if the statement still details accurately and completely the information required herein, 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.

14. A campaign finance statement required under this Section is considered to be filed if it is received in the City Recorder's Lindon City Offices by 5:00 p.m. on the date that it is due.

~~15. If the municipal clerk or recorder fails to notify the candidate of the provisions of this chapter as required herein, a candidate for municipal office shall not be subject to the provisions of this Section, but shall be subject to the campaign finance disclosure requirements as contained in § 10-3-208, Utah Code (1953, as amended).~~

~~16. In addition to the other penalties established herein, any candidate who fails to comply with the requirements of this section is guilty of an infraction.~~

PART TWO: Severability.

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

PART THREE: Effective Date.

This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City,

Utah, this 15 day of May 2023.

Carolyn O. Lundberg
CAROLYN O. LUNDBERG
Lindon City Mayor

ATTEST:

Kathryn A. Moosman
Kathryn A. Moosman
City Recorder



AFFIDAVIT OF POSTING

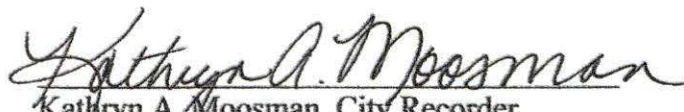
STATE OF UTAH }
 } ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that I posted the attached ordinance in three public places on the 16th day of May 2023.

The three public places are as follows:

1. Lindon City Police Department
2. Lindon City Community Development Office
3. Lindon City Center

I further certify that the agenda of the meeting of the City Council containing notice of public hearing was published and posted according to law, and that copies of the ordinance so posted were true and correct copies of the original.

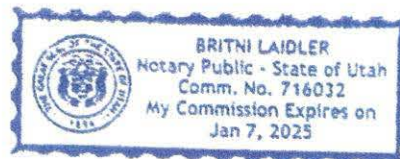

Kathryn A. Moosman, City Recorder

The foregoing instrument was acknowledged before me this 16 day of May, 2023 by Kathryn A. Moosman.

My Commission expires: January 7, 2025


Notary Public

Residing at: Utah County



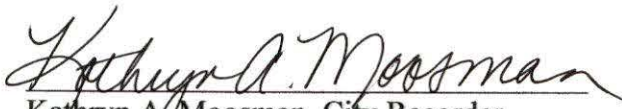
CERTIFICATE OF PASSAGE

STATE OF UTAH }
 } ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed and adopted by the City Council of Lindon City, Utah on the 15th day of May, 2023 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH AMENDING TITLES 17.02, 17.18, 17.43, 17.45, 17.47, 17.48, 17.49, 17.50, 17.51, 17.54 AND CREATING TITLE 17.19 AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Lindon City, Utah, this 15th day of May, 2023.


Kathryn A. Moosman, City Recorder

