

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2-15 OF THE WEBER COUNTY CODE TO UPDATE THE REGULATION AND ACCOUNTING OF REVENUES AND EXPENDITURES RELATING TO PERSONAL CAMPAIGNS

WHEREAS, Chapter 2-15 of the Weber County Code addresses the requirements for personal campaign finance reports from candidates of certain county government offices; and

WHEREAS, the Weber County Commission, in cooperation with the Weber County Clerk/Auditor, desires to require additional reports from candidates to provide voters with the most current campaign finance information for each candidate; and

WHEREAS, the Weber County Commission also desires to (1) add definitions to distinguish the different reports and (2) clarify how the requirements for each report will be enforced.

NOW THEREFORE, the Weber County Commission ordains as follows:

1. Chapter 2-15 of the Weber County Code is hereby amended as shown in Exhibit A, which is attached below and is incorporated into this ordinance.
2. The codifier is hereby directed to ensure that this ordinance is codified in a manner that is consistent with the numbering conventions of the Weber County Code, including making any necessary changes to the numbering of sections and subsections.

This Ordinance shall be effective 15 days after publication in the Standard Examiner.

PASSED, ADOPTED, AND A SYNOPSIS ORDERED PUBLISHED this 9th day of January 2024.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
James H. "Jim" Harvey, Chair

Commissioner Bolos voted _____
Commissioner Froerer voted _____
Commissioner Harvey voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

SUMMARY OF WEBER COUNTY ORDINANCE NO. _____

**SUMMARY OF AN ORDINANCE AMENDING CHAPTER 2-15 OF THE WEBER
COUNTY CODE**

On January 9, 2024, the Board of County Commissioners of Weber County adopted Ordinance No. _____, amending Chapter 2-15 of the Weber County Code to update the requirements for personal campaign finance reports, to add definitions distinguishing the different reports, and to clarify the enforcement of these requirements.

Commissioners _____ voted in favor of this ordinance.

Commissioner _____ voted against this ordinance.

The complete text of the ordinance is available at the Weber County Clerk/Auditor's Office at 2380 Washington Blvd., Ogden, Utah.

EXHIBIT A

Amended ordinance with tracked changes* and without tracked changes**

Sec 2-15-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) ~~Annual office holder~~Officeholder R~~report~~ means a report filed annually by county ~~office holder~~officeholders.
- (b) *Anonymous contribution* means a contribution that is from a donor whose name is unknown.
- (c) *Candidate* means any person who has filed for any of the following county government offices: county commissioner, county treasurer, county sheriff, county clerk/auditor, county recorder/surveyor, county attorney, county assessor, or local school board.
- (d) *Campaign account* means an account in a financial institution that is separate from any other personal or business account and is used for political purposes.
- (e) *Contributions* means any gift, subscription, loan, advance or deposit of money or anything of value, including in-kind and tangible donations from an individual or an organization;
 - (1) *Contribution* does not mean personal services provided without compensation by individuals volunteering their time on behalf of a candidate or a campaign committee.
- (f) Convention Report means a report filed 7 calendar days before the day on which the candidate's political party is scheduled to hold its convention for the candidate's applicable elective office.
- (~~f~~)(g) County office holder~~officeholder~~ means any person, that is not a candidate and who holds the office of county commissioner, county treasurer, county sheriff, county clerk/auditor, recorder/surveyor, county attorney, and county assessor;
 - (1) *County office holder*~~officeholder~~ does not mean a local school board candidate or member.
- (~~g~~)(h) Election means any general or primary election where a candidate appears on the ballot.
- (~~h~~)(i) Expenditure means or includes:
 - (1) A purchase, payment distribution, loan, advance, deposit, or gift of money or anything of value made for political purposes;
 - (2) A contract, promise or agreement, express or implied, whether or not legally enforceable, to make any expenditure;

- (3) A transfer of funds to a political committee or organization by a campaign committee;
- (4) The candidate filing fee.

~~(j)~~(j) Final Report means ~~the~~ report filed by a candidate ~~after withdrawing, primary elimination~~ within 30 calendar days after withdrawal, primary election elimination, or a general election where a candidate appears on the ballot.

~~(k)~~ General Election Report means the report filed 7 calendar days before the general election in which they appear on the ballot.

~~(l)~~(l) Interim report means ~~a report filed by a candidate prior to a primary or general election.~~ a Primary Election Report or a General Election Report; all other reports are not considered to be interim reports.

~~(m)~~(m) Political purpose means any 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 influence an issue on the ballot.

~~(n)~~ Pre-Election Report means a report filed 7 calendar days before the date on which ballots are mailed out to voters, in an election in which they appear on the ballot.

~~(o)~~ Primary Election Report means the report filed 7 calendar days before the primary election in which they appear on the ballot.

~~(p)~~(p) Timely report means a report or statement that is:

- (1) Submitted no more than seven days before the report deadline and
 - a is physically received in the clerk/auditor's office by 5:00pm Mountain Time on the day the report is due;
 - b is received by an approved electronic method by midnight Mountain Time on the day the report is due; or
 - c the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due; and
- (2) Current within three days of the date of filing; and
- (3) Completed and accurate.

~~(q)~~(q) Withdraw means a candidate provides written notification to the county clerk/auditor that they are no longer a candidate.

(Code 2019, § 17-16-6.5)

Sec 2-15-2 Candidate Report Filing Procedures

- (a) Candidates are responsible for establishing a campaign account that is used for all contributions and expenditures related to their candidacy.
- (b) A candidate may not deposit or mingle any contributions received into a personal or business account.
- (c) A candidate shall timely file with the county clerk/auditor full, correct, and itemized reports of all contributions and expenses as set forth in this section. The reports shall include the following itemizations:
 - (1) the date and amount of each contribution and expenditure;
 - (2) the name of the donor for each contribution, if known;
 - (3) the name of the recipient for each expenditure;
 - (4) the purpose for each expenditure; and
 - (5) the city of the donor or recipient's primary location.
- (d) Candidates shall file an ~~I~~nterim ~~R~~eport at least ~~7~~~~seven~~ calendar days before and election in which they appear on the ballot.
- (e) Candidates shall file a ~~F~~inal ~~R~~eport within 30 calendar days after withdrawal, primary election elimination, or ~~a~~ general election where a candidate appears on the ballot.
- (f) Candidates shall file a Pre-Election report 7 calendar days before the date on which ballots are mailed out to voters, in an election in which they appear on the ballot.
- (g) Candidates shall file a Convention Report 7 calendar days before the day on which the candidate's political party is scheduled to hold its convention for the candidate's applicable elective office.
- ~~(f)~~(h) _____ County ~~office holder~~~~officeholders~~ shall file an ~~a~~Annual ~~office holder~~~~Officeholder~~ ~~R~~eport no later than the last business day of each calendar year in which they were not up for election.
- ~~(g)~~(i) _____ Reports shall be filed on forms approved and provided by the county clerk/auditor.
- ~~(h)~~(j) _____ Successive reports shall contain totals from the last report, current report, and a cumulative total. Successive reports shall not contain itemized information supplied in prior reports.
- ~~(i)~~(k) _____ If no contributions are received or expenditures made, candidates must file a report to that effect in a timely manner.

(1) If a candidate has an existing campaign account, the first report filed by a candidate must include the beginning balance and include an itemized list of any contributions and/or expenditures that have previously not been reported on an ~~Interim, Final, or Annual~~ ~~office holder~~ Officeholder Rreport. Such itemizations must include the information listed under Subsection (c) of this Section.

(m) An anonymous contribution has a limit of \$50. Anonymous contributions exceeding \$50, whether cash or a negotiable instrument, must be disbursed within 30 calendar days of receiving the donation to the county treasurer for deposit in the county's general fund or to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

(n) All reports shall be available for inspection the day following the deadline and shall be publicly available on the elections website within seven calendar days.

(Code 2019, § 17-16-6.5)

Sec 2-15-3 Civil Actions

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.

In a civil action filed under this Section, the court shall award costs and attorney fees to the prevailing party.

(Code 2019, § 17-16-6.5)

Sec 2-15-4 Penalties

- (a) Any person who fails to comply with this Chapter is guilty of an infraction.
- (b) The penalty for not submitting a timely report is:
 - (1) \$100 fine assessed by the county clerk/auditor at 12:01am immediately following the filing deadline;
 - (2) \$100 fine assessed by the county clerk/auditor at 12:01am each week following the filing deadline up to \$400; and
 - (3) For ~~Interim~~ ~~interim~~ Rreports:
 - a removal from the ballot if not properly filed within 24 hours of the deadline pursuant to 17-16-6.5; and
 - b the political party of the candidate may not replace the candidate.
- (c) Failure to pay a fine or file ~~a financial report~~ a report precludes an individual from filing to become a candidate in future elections until
 - (1) all fines assessed under this Chapter are paid;

- (2) the missing financial report or a statement providing a reasonable justification as to why the report was never submitted has been filed with the county clerk/auditor; and
 - (3) a promise to file all future financial reports has been filed with the county clerk/auditor.
- (d) Fines shall be paid to the county clerk/auditor for deposit in the county's general fund.
- (e) A candidate shall not be disqualified from candidacy for submitting a report that is later found to contain inadvertent omissions or insignificant errors or inaccuracies, as long as:
- (1) the original report is timely filed; and
 - (2) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(Code 2019, § 17-16-6.5)

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- (f) *Convention Report* means a report filed 7 calendar days before the day on which the candidate's political party is scheduled to hold its convention for the candidate's applicable elective office.
- (g) *County officeholder* means any person, that is not a candidate and who holds the office of county commissioner, county treasurer, county sheriff, county clerk/auditor, recorder/surveyor, county attorney, and county assessor;
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(Code 2019, § 17-16-6.5)