

ORDINANCE 2011-13

SHORT TITLE:

AN ORDINANCE ADOPTING PROVO CITY CODE SECTION 2.05.015 (CANDIDATE FILING FEES), AND AMENDING PROVO CITY CODE SECTION 2.05.010 (DEFINITIONS) AND SECTION 2.05.040 (CAMPAIGN FINANCING DISCLOSURES STATEMENTS).

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
CW 1	LAURA H. CABANILLA					Absent
CW 2	STEVEN C. TURLEY				✓	
CD 1	CYNTHIA R. DAYTON		✓	✓		
CD 2	RICHARD D. HEALEY			✓		
CD 3	MIDGE JOHNSON				✓	
CD 4	SHERRIE HALL EVERETT			✓		
CD 5	STERLING BECK	✓		✓		
				TOTALS	4	2

This ordinance was passed by the Municipal Council of Provo City, on the 3rd day of May, 2011 on a roll call vote as described above. Signed this 5th day of May, 2011.

 Chan

APPROVAL BY MAYOR

This ordinance is approved by me this 5th day of May, 2011.

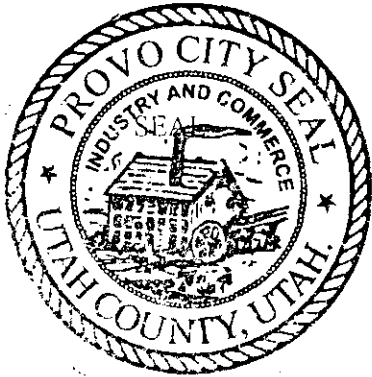
 Mayor

ORDINANCE 2011-13

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 5th day of May 2011, with a short summary being published on the 13th day of May 2011, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2011-13.



Signed this 5th day of May 2011.

Jenene Heers
City Recorder

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ORDINANCE 2011-13.

AN ORDINANCE ADOPTING PROVO CITY CODE SECTION 2.05.015 - CANDIDATE FILING FEES, AND AMENDING PROVO CITY CODE SECTION 2.05.010 – DEFINITIONS AND SECTION 2.05.040 – CAMPAIGN FINANCING DISCLOSURE STATEMENTS

WHEREAS, the Municipal Council has determined that having a candidate filing fee will offset the cost associated with the verification of the candidacy and all monthly disclosure requirements; and,

WHEREAS, the current Campaign Financing Disclosure ordinance does not provide adequate reporting requirements and disclosure prior to elections; and,

WHEREAS, the Municipal Council has determined that is in the public’s interest to have more frequent campaign financing disclosures; and,

WHEREAS, on May 3, 2011, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and,

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) Chapter 2.05 of the Provo City Code should be amended as set forth below; and (ii) such action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah as follows:

PART 1:

Chapter 2.05 of the Provo City Code is hereby amended as follows:

Section 2.05.010 Definitions.

...

“Reporting date” means:

~~(a) ten (10) days before a municipal primary election for a campaign finance statement required to be filed no later than seven (7) days before a municipal primary election;~~

~~(b) ten (10) days before a municipal general election, for a campaign finance statement required to be filed no later than seven (7) days before a municipal general election; and~~

(a) three (3) days before the deadline for filing a required campaign finance statement under this Chapter; or

47 (e)(b) the day of filing, for a campaign finance statement required to be
48 filed no later than thirty (30) days after a municipal primary or general election.
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50 "Reporting period" means the period since the ~~closing~~ reporting date of the last
51 filed financial statement, if any, and the ~~closing~~ reporting date of a financial
52 statement to be filed under this Chapter.
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54 2.05.015. Candidate Filing Fee.

55 (1) Individuals filing as candidates for the Municipal Council or for Mayor shall
56 pay a fee at the time of filing their candidacy with the City Recorder. This filing fee shall
57 be refundable only if it is determined that the person filing is not qualified to be a
58 candidate, or is found to have improperly filed. The filing fees are as follows:

59 (a) For each person seeking to become a candidate for Council Member
60 the filing fee shall be seventy-five dollars (\$75.00); and

61 (b) For each person seeking to become a candidate for Mayor the filing
62 fee shall be one hundred fifty dollars (\$150.00).

63 (2) In lieu of paying the filing fee required under this section, individuals filing as
64 candidates for the Municipal Council or for Mayor may submit a petition in support of
65 candidacy. Such a petition must be filed with the City Recorder at the time the individual
66 files for candidacy. The petition must state that the signatories support the candidacy of
67 the individual and must contain the following number of individual handwritten
68 signatures:

69 (a) For each person seeking to become a candidate for Council Member
70 the petition must be signed by two hundred fifty (250) individuals; and

71 (b) For each person seeking to become a candidate for Mayor the petition
72 must be signed by five hundred (500) individuals.
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74 2.05.040. Campaign Financing Disclosure Statements.

75 (1) Every candidate, campaign committee, and political committee shall sign and
76 file campaign financing disclosure statements with the ~~Provo~~-City Recorder as provided
77 in this section. All campaign financing disclosure statements shall be public records and
78 shall be filed as follows:

79 (a) For a primary election, a campaign financing disclosure statement shall
80 be filed by the last Tuesday of each month up to, but not including, the month
81 preceding the day of the primary election. A campaign financing disclosure
82 statement shall also be filed twenty-one (21) days preceding the day of the
83 primary election and seven (7) days immediately preceding the day of the primary
84 election.

85 (b) A candidate who is unsuccessful in a primary election shall also file a
86 campaign financing disclosure statement within thirty (30) days following the day
87 of the primary election.

88 (c) For a general election, a campaign financing disclosure statement shall
89 be filed by the last Tuesday of each month up to, but not including, October. A
90 campaign financing disclosure statement shall also be filed twenty-one (21) days
91 preceding the day of the general election and seven (7) days preceding the day of
92 the general election.

93 (d) For a general election, a campaign financing disclosure statement shall
94 be filed within thirty (30) days following the day of the general election.

95 (e) If any contribution is received after a statement filed in connection
96 with Subsection 2.05.040(1)(d), then an additional disclosure statement shall be
97 filed every ninety (90) days thereafter until all contributions have been reported.

98 (f) The requirement to file campaign financing disclosure statements under
99 this section shall begin as follows:

100 (i) For a candidate, from the date the candidate files for candidacy
101 with the City Recorder; and

102 (ii) For a campaign committee, after receiving contributions
103 totaling at least two hundred fifty dollars (\$250); and

104 (iii) For a political committee, after receiving contributions totaling
105 at least two hundred fifty dollars (\$250).

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109 (3) (a) (ii) (A) for each contribution that exceeds fifty dollars (\$50), the amount of
110 the contribution and the full name and address of the donor.

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114 (5) (b) Notwithstanding Subsection ~~4(a)~~ 5(a), a candidate who filed a campaign
115 finance statement seven (7) days before a municipal general election is not disqualified if:

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119 (5) (c) If a candidate files a campaign finance statement that is found by the City
120 Recorder's office to omit or misstate any contribution that is required to be reported
121 under this Chapter, the candidate shall be subject to a fine equal to ten percent (10%) of
122 the omitted or misstated amount or two hundred and fifty dollars (\$250), whichever is
123 greater. If the candidate fails to pay such fine within five (5) days of being notified by the
124 City Recorder's office, the City Recorder shall take the steps described in Subsection 5(a)
125 to disqualify the candidate.

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129 PART II:

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131 A. If a provision of this Ordinance 2011- conflicts with a provision of a
132 previously adopted ordinance concerning the same title, chapter, and/or section number
133 amended herein, the provision in this Ordinance shall prevail.

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135 B. This ordinance and its various sections, clauses and paragraphs are hereby
136 declared to be severable. If any part, sentence, clause or phrase is adjudged to be
137 unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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139 C. The Municipal Council hereby directs that the official copy of the Provo City
140 Code be updated to reflect the provisions enacted by this ordinance.

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142 D. This ordinance shall take effect immediately after being posted or published as
143 required by law.

144

145 END OF ORDINANCE.

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS.
Utah County

I, Morgan Bassett, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, 373561 - ORDINANCE 2011-13, and which is a copy, was published in said newspaper, the first publication having been made on the 13th day of May, 2011, and the last on the 13th day of May, 2011; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

LEGAL NOTICES
PROVO CITY CORPORATION
OFFICE OF THE RECORDER
ORDINANCE 2011-13
Notice is hereby given that in the regular Municipal Council Meeting of May 3, 2011, the Provo Municipal Council passed Ordinance 2011-13. This is an ordinance adopting Provo City Code Section 2.05.015 (Candidate Filing Fees), and amending Provo City Code Section 2.05.010 (Definitions) and Section 2.05.040 (Campaign Financing Disclosure Statements).

/s/Janene M. Weiss,
City Recorder
Legal Notice 373561 Published in The Daily Herald May 13, 2011.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.

Morgan Bassett

Subscribed and sworn before me this 13th day of May, 2011.

Debbie L Chandler

Notary Public

Residence: Spanish Fork, Utah

My commission expires 06/05/2013

