

[Chapter 2-15 Regulation And Accounting Of Revenues And Expenditures Relating To Personal Campaigns](#)

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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 report* means a report filed annually by county office holders.
- (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) *County office holder* 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* does not mean a local school board candidate or member.
- (g) *Election* means any general or primary election where a candidate appears on the ballot.
- (h) *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.
- (i) *Final report* means a report filed by a candidate after withdrawing, primary elimination
- (j) *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.
- (k) *Interim report* means a report filed by a candidate prior to a primary or general election.
- (l) *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.

(m) *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 interim report at least seven calendar days before an election in which they appear on the ballot.
- (e) Candidates shall file a final report within 30 calendar days after withdrawal, primary election elimination, or general election where a candidate appears on the ballot.
- (f) County office holders shall file an annual office holder report no later than the last business day of each calendar year in which they were not up for election.
- (g) Reports shall be filed on forms approved and provided by the county clerk/auditor.
- (h) 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) If no contributions are received or expenditures made, candidates must file a report to that effect in a timely manner.
- (j) 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 report. Such itemizations must include the information listed under Subsection (c) of this Section.

- (k) 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.
- (l) 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 reports:
 - 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 precludes an individual from filing to become a candidate 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)