

TITLE 9. NOMINATIONS AND ELECTIONS

CHAPTER 9.01.

9.01.010. Repealer.

Ordinance 535, May 2, 1985 repealed the convention system for nominating and electing candidates for elected office and any other ordinances which are not consistent with this title.

9.01.020. Municipal Elections.

All City elections for nomination and election of candidates for City office shall be made in conformity with Title 20 Chapter 5, Utah Code Annotated 1953.

9.01.030. Eligibility and Qualifications.

A. All elective officers of Brigham City shall be chosen by the registered voters of the City.
B. Any person elected to municipal office must be a registered voter in the City.
C. If any elected official shall at any time during his or her term of office live outside the boundaries of the City for a continuous period of more than 60 days or establish residence outside the City during his or her term of office the office shall thereby become automatically vacant.
(See 10-3-301, Utah Code Annotated).

9.01.040. Time of Holding Municipal Elections. Terms of Office.

On Tuesday next following the first Monday in November of each odd-numbered year, there shall be held an election to fill all elective offices to be vacated in the City at twelve o'clock noon on the first Monday of January following. Such elected officers shall continue in office for the term for which elected and until their respective successors are elected and qualified, unless sooner removed for cause or the office is vacated by resignation or death.

A. The offices of mayor and two councilmembers shall be filled in municipal elections held in 1993. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

B. The offices of the other three councilmembers shall be filled in a municipal election held in 1995. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

C. The officers shall be elected in at-large elections which are held at the time and in the manner provided for electing municipal officers. (See 10-3-205, Utah Code Annotated, 1953 as amended).

9.01.050. Submission of Special Questions.

The Council may submit to the electors, at any election, any proposition or question required to be submitted by the constitution, general law or by ordinance of the City; provided, that in case such question or proposition is required by said constitution, general law or ordinance to be submitted at a special or other particular kind of election, or within any specified time, it shall be so submitted.

9.01.060. Appointment of Judges of Election. Designation of Voting Places. Conduct of Elections.

In all municipal elections the Council shall appoint judges of election and shall designate the places of voting. All elections must be conducted according to the general laws of the state and all notices and lists of names required to be posted by registry agents prior to any general election shall also be posted by the registry agents prior to any municipal election, the necessary changes being made as to the time of posting the same.

9.01.070. Election Procedure.

All elections shall be conducted in accordance with the procedure prescribed in the pertinent provisions of the Election Code of the State of Utah.

9.01.080. Canvass of Election Results. Certificates of Election. Tie Votes.

The returns of all elections shall be made to the City Recorder who shall call for the assistance of the mayor and councilmembers of the municipality to act as the board of canvassers. No later than seven days after the election in the presence of the mayor and councilmembers, the City Recorder shall open the returns and prepare abstracts of the votes cast for each office. Certificates of election must be issued to each person elected by a plurality of votes. If two or more candidates receive an equal and highest number of votes for the same office, and if there are not enough offices remaining for all such candidates, and if the result after a recount remains the same, the candidates with the equal and highest number of votes shall appear before the governing body at a regular or special meeting and draw lots to determine which candidate is elected. Reasonable notice of the time of the meeting at which lots are to be drawn shall be given each candidate.

Chapter 9.02. Campaign Financial Disclosure in City Elections.

All candidates for elective municipal office shall comply with the following campaign disclosure requirements.

9.02.010. Definitions.

Candidate. Any person who files a declaration of candidacy for an elective office of the City; or is nominated by a committee or party; or 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 causes on his behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.

Contribution. Any monetary and non-monetary contributions such as in-kind contributions and contributions of tangible things but shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate.

Election. Both primary and final elections.

Expenditure. A purchase, payment distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate.

9.02.020. Filing of Disclosure Reports.

Each candidate for elective offices shall file with the City Recorder, dated, signed and sworn financial reports which comply with this ordinance.

9.02.030. Time of Filing.

The reports required by this ordinance shall be filed ~~at least fourteen (14) days before both the primary and general elections and at least once within two months following the final election.~~ *according to Utah Code 10-3-208 as amended.*¹

9.02.040. Contents of Statements.

~~The statement filed fourteen days before the election shall include:~~

~~_____ A. a list of each contribution of more than \$50.00 received by the candidate, and the name of the donor;~~

~~_____ B. an aggregate total of all contributions of \$50.00 or less received by the candidate; and~~

~~_____ C. a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.~~

~~The statement filed two months after the elections shall include:~~

~~_____ A. a list of each contribution of more than \$50.00 received after the cutoff date for the statement filed fourteen days before the election, and the name of the donor;~~

~~_____ B. an aggregate total of all contributions of \$50.00 or less received by the candidate after the cutoff date for the statement filed fourteen days before the election; and~~

~~_____ C. a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed fourteen (14) days before the election; and~~

~~_____ D. a list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed fourteen (14) days before the election, and the recipient of each expenditure.~~

~~Each statement shall include:~~

~~A. a list of each contribution of more than \$50.00 received by the candidate, and the name of the donor;~~

~~B. an aggregate total of all contributions of \$50.00 or less received by the candidate, and~~

~~C. a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.~~²

9.02.050. Public Information.

The statements required by this ordinance shall be public documents and shall be available for public inspection and copying during all regular City business hours.

¹ Ordinance No. 03-33, dated 8/28/03.

² Ordinance No. 03-33, dated 8/26/03.

9.02.060. Penalty for Noncompliance.

A. Any candidate who fails to comply with this ordinance is guilty of an infraction.³

B. *If a candidate fails to file an interim report due before the municipal general election, the City Recorder shall, after making a reasonable attempt to discover if the report was timely mailed, inform the appropriate election officials who:*

1. *shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or*

2. *shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practical method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and*

3. *may not count any votes for that candidate.*⁴

³ Ordinance No. 02-18, dated 7/19/01

⁴Ordinance No. 03-33, dated 8/26/03.