

CHAPTER 2A-03. ELECTION AND QUALIFICATION

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2A-03-010. Elections.

Consistent with the provisions of *Utah Code Ann.* §20A-1-202, as amended, the offices of Mayor and Council Member shall be filled by election of the registered voters of Fruit Heights City in an at-large municipal election held on the Tuesday after the first Monday in November in odd-numbered years. Municipal elections for the offices of Mayor or Council Member shall be conducted in the manner provided in the Utah Election Code, set forth in Title 20A of the *Utah Code Annotated*, and applicable provisions of *Utah Code Ann.* §§10-3-201, *et seq.*, as amended.

2A-03-020. Nomination by Convention.

Pursuant to authority set forth in *Utah Code Ann.* §20A-9-404, as amended, and as a continuation of ordinances previously adopted by the City, the City has adopted the convention and committee system for nominating candidates for municipal office. Under such procedures, the City exempts itself from primary elections and designates that candidates for municipal office shall be nominated by political party convention or committee in accordance with the procedures set forth in Subsection 20A-9-404(3), as amended.

2A-03-030. Certificate of Nomination.

A certificate of nomination for each person nominated by convention or committee shall be prepared by the convention or committee in accordance with the requirements of Subsection 20A-9-404(3), as amended, and shall be filed with the City Recorder not later than the sixth Tuesday before the November municipal election.

2A-03-040. Residency and Registered Voter Requirements.

Persons eligible to be nominated for the elected office of Mayor or Council Member shall be a registered voter of Fruit Heights, and shall meet the residency and filing requirements of *Utah Code Ann.* §20A-9-203, as amended.

2A-03-045. Maintaining Residency.

Pursuant to *Utah Code Ann.* §10-3-301, as amended, each person elected to the office of Mayor or Council Member shall maintain residency within the boundaries of the City during his or her term of office. If a person elected to the office of Mayor or Council Member establishes his or her principal place of residence outside the municipality during his or her term of office, the office is automatically vacant. If a person elected to the office of Mayor or Council Member is absent from the City anytime during his or her

term of office for a continuous period of more than sixty (60) days without the consent of the City Council, that person's elected office is automatically vacant.

2A-03-050. Term of Office.

Persons elected to the office of Mayor or Council Member shall begin their term of office at 12 o'clock noon on the first Monday in January following their election, and shall continue in office for four (4) years thereafter and until their respective successors are chosen and qualified, except in case of death, resignation, removal, or disqualification from office.

2A-03-060. Vacancies.

Vacancies in the offices of Mayor or Council Member shall be filled in accordance with the provisions of *Utah Code Ann.* §20A-1-510, as amended.

2A-03-070. Oath of Office.

(a) Required. All elected officials shall take, subscribe and file the Constitutional oath of office before entering upon the duties of their respective offices. Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election or as soon thereafter as is practical.

(b) Administered. The oath of office shall be administered by the City Recorder, any judge, or any notary public.

(c) Filed. All oaths of office shall be filed with the City Recorder.

(d) Failure to Comply. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

2A-03-080. Bond.

(a) Required. Elected officers of the City before taking office shall execute a bond with good and sufficient sureties payable to the City or shall be included within public employee blanket bonds, in the amount of not less than \$10,000, conditioned for the faithful performance of the duties of the respective officers and the payment of all monies received by such officer according to the law and the ordinances of Fruit Heights City.

(b) Approval. The bonds of Council Members shall be approved by the Mayor, and the bond of the Mayor shall be approved by the City Council, at the first meeting of the City Council in January following a municipal election. All bonds of elected officers shall be filed with the City Recorder.

(c) Premium Charge. The premium charge by a corporate surety for any bond required herein shall be paid by Fruit Heights City.

(d) Additional Bonds. The City Council may at any time require further and additional bonds of any elected officers of the City.

2A-03-090. Salaries.

Elected officers shall receive such compensation for their services as the City Council may fix or amend by ordinance in accordance with the notice and hearing requirements set forth in *Utah Code Ann.* §10-3-818, as amended.

2A-03-100. Transfer of Records.

Every officer of the City upon expiration of his or her term for any cause whatsoever shall deliver to the City Recorder all books, records, keys, and property of the City.

2A-03-110. Campaign Finance Statement.

(a) Definitions. For purposes of this Section, the following words shall have the meanings set forth.

(1) Contribution. "Contribution" means all monies, in-kind contributions, and contributions of tangible things given to the candidate or to the organization(s) representing the candidate, for the purpose of enhancing the candidate's campaign.

(2) Expenditure. "Expenditure" means the monetary, in-kind payment, or payment of tangible things to any person or entity, by the candidate's campaign.

(3) Reporting Date. "Reporting date" means 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 the day of filing (for a Campaign Finance Statement required to be filed no later than thirty (30) days after a municipal general election).

(4) Reporting Limit. "Reporting limit" means any contribution or expenditure in an amount equal to \$50 or more.

(b) Statement Required. Each candidate for municipal office shall file with the City Recorder a Campaign Finance Statement disclosing his or her itemized and total campaign contributions and expenditures in accordance with the procedures and requirements set forth herein and in *Utah Code Ann.* §10-3-208, as amended.

(c) Time for Filing. Each candidate for municipal office who is nominated by convention or committee in accordance with applicable City Ordinances and State law shall file with the City Recorder a Campaign Finance Statement no later than seven (7) days before the date of the municipal general election, and another Campaign Finance Statement no later than thirty (30) days after the date of the municipal general election. A Campaign Finance Statement required under this Section is considered filed if it is received in the City Recorder's Office by 5:00 p.m. on the date that it is due.

(d) Campaign Finance Statement. Each Campaign Finance Statement shall comply with and contain the information required in *Utah Code Ann.* §10-3-208(b), as amended.

(e) Notice to Candidates. The City Recorder shall, at the time a candidate for municipal office files a declaration of candidacy with the City and again fourteen (14) days before each municipal general election, notify the candidate in writing of:

(1) The provisions of State statutes and City ordinances governing the disclosure of campaign contributions and expenditures;

(2) The dates when the candidate's Campaign Finance Statement is required to be filed; and

(3) The penalties that apply for failure to file a timely Campaign Finance Statement, including the statutory provisions that require removal of the candidate's name from the ballot for failure to file the required Campaign Finance Statement when required.

(f) Failure to File. Except as provided in Subsection (g), if a candidate fails to file a Campaign Finance Statement in accordance with the provisions of this Section and applicable provisions of State law,

the City Recorder shall inform the appropriate election official who shall, if practical, remove the candidate's name from the ballot; or 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 the votes cast for the candidate will not be counted.

(g) Inadvertent Omissions. Notwithstanding Subsection (f), a candidate who timely files a Campaign Finance Statement before a municipal general election is not disqualified if: (1) the statement details accurately and completely the information required herein, except for inadvertent omissions or insignificant errors or inaccuracies; and (2) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(h) Public Records. Financial disclosure reports filed pursuant to this Section are considered public documents open to inspection in accordance with *Utah Code Ann.* §10-3-208, as amended, and the Utah Government Records Access and Management Act, as amended. The City Recorder shall make each Campaign Finance Statement filed by a candidate available for public inspection and copying and post an electronic copy of the same in accordance with applicable provisions of *Utah Code Ann.* §10-3-208(5), as amended.

2A-03-120. Ethics Act.

All elected officers shall comply with the provisions, conditions and requirements of the Municipal Officers' and Employees' Ethics Act as set forth in *Utah Code Ann.* §10-3-1301, *et seq.*, as amended.

2A-03-130. Political Activities.

(a) Officers. Municipal officers shall comply with and be subject to the political activities provisions of *Utah Code Ann.* §10-3-1108, as amended.

(b) City. The City shall comply with the terms and conditions of the political activities provisions of *Utah Code Ann.* §10-3-1108, as amended. Pursuant to the Political Activities of Public Entities Act, as set forth in *Utah Code Ann.* §20A-11-1201, *et seq.*, as amended, unless specifically required by law, the City may not make expenditures from public funds for political purposes or to influence a ballot proposition.