

Ten Recommended Reforms for Salt Lake City's Election Code Based on Lessons Learned from the Salt Lake City 2019 Mayoral Primary Election

By Kurt A. Fisher,¹ August 17, 2019

Summary of Recommended Reforms to Salt Lake City Election Ordinances

In Section II:

1) Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications Required*, should be amended to incorporate the standard that any communication supporting a candidate, but not authorized by a candidate, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any candidate or candidate's committee.

2) Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications Required*, should be amended to require that any communication supporting a candidate, but not authorized by a candidate, shall include the permanent street address, telephone number, or World Wide Web address of the person who paid for the communication.

3) Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications Required*, should be amended to include among coordinated communications, "using official logos, slogans, and similar elements belonging to a candidate". This would conform the City's election ordinance to the minimum election standards of Utah Code Ann. § 10-3-208(e).

4) Salt Lake City Rev. Ord. 2.46.030, *Registration with City Recorder*, should be amended to expressly require that all political committee registration statements must list current street business addresses. In a registration statement, the use of mailing addresses, such as at private post office boxes, should only be allowed to provide a supplemental means of contacting a political committee at its permanent business street address.

¹ The writer of this memo is not an attorney. The discussion in this memorandum of various ordinances and statutes can be followed by any ordinary person without legal training. The author recommends consultation with an attorney to clarify any discussion of Utah and Salt Lake City municipal law discussed in this memorandum. I am a semi-retired resident of the Greater Avenues neighborhood. I have been a life-long registered Democrat. I am not affiliated or associated with any campaign for mayor. Contact: fisherka@csolutions.net.

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In Section III:

5) Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications Required*, should be amended with respect to billboard, TV and printed advertising to incorporate the standard that any communication supporting a candidate, whether or not it is authorized by the candidate, should contain a required disclaimer statement that is clearly readable.

6) Salt Lake City Rev. Ord. 2.46.060 should be amended to specify performance readability requirements for specific common methods of communication, e.g. – printed materials, billboards, and television ads – patterned after federal election regulations.

7) Salt Lake City Rev. Ord. 2.46.120, *Violations*, should be amended to make a violation of reformed typeface and contrast readability specifications on billboards an infraction.

In Section IV:

8) Salt Lake City Rev. Ord. 2.46.010, *Definitions – Coordinated Expenditure, Independent Expenditure, and Political Committee*, should be amended to provide that when a candidate ratifies unauthorized expenditures, that ratification transforms the independent expenditures into contributions

and transforms an independent committee into a political committee acting on the candidate's behalf.

In Section V:

9) Salt Lake City Rev. Ord. 2.46 *et seq.* A new section should be added, if not preempted by State law, that prohibits robo-calling and robo-text messaging for election purposes. This section would not prohibit traditional manual telephone calling by campaigns or political action committees. This new section would clarify that robo-calling and robot-texting using spoofed caller ids is unlawful, and would require the returned caller id to return to a campaign or committee's primary registered telephone number, if technically possible. This amendment would clarify state law regarding robo-calling with spoofed or not-spoofed caller ids.

In Section VI:

10) Salt Lake City Rev. Ord. 2.46 *et seq.* A new section should be added, to conform the municipal election code to state policy by incorporating Utah Code Ann. § 20A-11-901(5)'s prohibition against using another's personal identity in a political advertisement without their consent.

It is recommended that these ten reforms be accomplished before the next mayoral election in November 2019.

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Four More Recommendations Not Involving the Reform of Salt Lake Ordinances

- 1) The Salt Lake City Mayor's Office and the Salt Lake City Council should encourage a non-governmental entity to act as a storage and clearinghouse for all video or audio debates in future elections at websites that are generally available to all members of the public, not just those who subscribe to Facebook. The Council should consider making a seed grant to foster the creation of such an NGO clearinghouse (Section I).
- 2) The City should lobby the State of Utah at the next general session of the State Legislature to amend Utah State election code to require that all political committee registration statements must list current street business addresses. The use of mailing addresses, such as at private post office boxes, in lieu of a business street address, in registration statements should be prohibited (Section II).
- 3) The City should lobby the State of Utah at the next general session of the State Legislature to amend the Utah State robo-calling statute and election code to clarify that that robo-calling and robot-texting using spoofed caller ids is unlawful, and would require the returned caller id to return to a campaign or committee's primary registered telephone number, if technically possible (Section V).
- 4) The Salt Lake City Council and the Salt Lake Chamber of Commerce should issue a joint statement reaffirming anti-corruption principles. (Section VIII).

It is recommended that reforms (1) and (4) be accomplished before the next mayoral election in November 2019.

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INTRODUCTION

Lessons learned from Tuesday's Salt Lake City mayoral primary election suggests ten incremental reforms for both municipal and state election laws. The principal campaign disclosure related events and recommended reforms for the 2019 Salt Lake City mayoral primary election are discussed as follows:

I. A NON-GOVERNMENTAL ENTITY SHOULD ACT AS A VOLUNTARY CENTRALIZED DEPOSITORY FOR ALL VIDEOS OF FUTURE DEBATES.

Overall, the elections were marked by an extensive series of informative and civil debates between all candidates that were distributed by internet video. Distribution by internet video allowed a broad range of likely voters to learn about the candidates at the convenience of their time schedules. Video or audio distributed mayoral debates were held by the Utah Sierra Club (August 1, 2019), East Liberty Community Council (July 16, 2019), the Pioneer Park Coalition (July 15, 2019), the Greater Avenues Community Council (July 10, 2019), and the Alliance for Better Utah (June 2019).

Locating these video and audio debates recordings online took extensive searching and reliance on ad hoc reports by community members. Except for one debate, access was restricted to holders of Facebook accounts because the debate sponsors found using the Facebook live-streaming interface to be the most convenient distribution method.

Access to these video debates could be improved by non-governmental entities, such as the Utah League of Women Voters, acting as a storage and clearinghouse for all video or audio debates in future elections at websites that are generally available to all members of the public, not just those who subscribe to Facebook. In the future, candidates and debate sponsors should participate by voluntarily downloading and copying any Facebook recorded debates directly to that centralized non-governmental entity.

Based on the foregoing experiences in the 2019 Salt Lake City mayoral primary election, recommended reforms to Salt Lake City's election laws based are as follows:

- 1) The Salt Lake City Mayor's Office and the Salt Lake City Council should encourage a non-governmental entity to act as a storage and clearinghouse for all video or audio debates in future elections at websites that are generally available to all members of the public, not just those who subscribe to Facebook. The Council should consider making a seed grant to foster the creation of such an NGO clearinghouse.

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II. MUNICIPAL ELECTION LAWS SHOULD ENHANCED TO REQUIRE A MORE RIGOROUS "CANDIDATE AUTHORIZED STATEMENT" PROVISION FOR POLITICAL COMMUNICATIONS AND TO CONFORM MUNICIPAL PRACTICES TO A NEW STATE LAW EFFECTIVE MAY 14, 2019.

This proposed reform regarding taking responsibility for political advertisements would conform municipal election law to federal election law and a recent update to State election law.

Three candidates received materially significant support from at least one PAC that each candidate claimed that they were not affiliated with, did not coordinate with and did not authorize campaign statements being made on their behalf. One candidate also received support from a second "dark" PAC. Municipal laws are adequate to address the dark PAC issue, but proved inadequate with respect to transparency and responsibility disclosures with respect to independent campaign advertisements.

Two PACs provided substantial support for at least one primary mayoral candidate (Garbett).

Reagan Outdoor Advertising (ROA) provided approximately \$52,000 in free billboard advertising at its prominently located digital billboards spread throughout the Salt Lake Valley (Mullahy, UIG Contributions). The free advertising was provided by ROA donating \$52,000 to its sponsored captive PAC - Utahns for Independent Government (UIG). UIG is based in American Fork, and its director, Nathaniel A. Sechrest is a Norte Dame educated attorney who between 2013 and 2018 was the General Counsel and Director of Public Affairs for Reagan Outdoor Advertising (UIG Statement of Organization, Sechrest LinkedIn). Since UIG's inception in 2015, Reagan Outdoor Advertising has been UIG's sole contributor (UIG Contributions). After receiving funds from ROA, UIG purchased the billboard time back from Reagan. This writer observed digital billboard ads for the Salt Lake City mayoral primary running in West Jordan and Sandy. The digital billboard that had the greatest ability influence Salt Lake City residents was the 600 South freeway off-ramp billboard.

The principal activity of UIG was to run digital billboard ads beginning July 25 and continuing through election day supporting three candidates Luz Escamilla, David Garbett, and David Ibarra (Mullahy). July 25 was the date on which ballots mailed by the Salt Lake County election clerk would begin to arrive in the mailboxes of Salt Lake City registered voters. Those candidates reported that they did not authorize the billboards. "They said they did not have anything to do with the ads, and did not even provide photos for them" (*id*). But candidate Ibarra suggested that he ratified the action after the fact: "I was frankly delighted it was there I could use all the name ID help I could get" (*id*).

An officer of the principal funder of UIG, ROA, described its motivation in running the digital billboard advertisements as follows: "Reagan Outdoor's Dewey Reagan said the company did not ask for anything from the candidates in exchange for the free high-profile plugs, but believes the three are willing to look at 'problems' in the city's billboard ordinance" (*id*). Towards the last three closing days before the election, UIG billboards tended to support mostly candidate Escamilla (Personal obs.).

People4SaltLakeCity is a "dark" PAC that formed on July 29, 2019. Their identity of the creators and backers of People4SaltLakeCity is unknown to the general public. Although

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People4SaltLakeCity filed a required PAC Statement of Organization with the Utah Lt. Governor's Office, they list their business address as a UPS mailbox store at 400 East and 700 South (People4SaltLakeCity). No mailbox number was provided in their state filing and, therefore, mail cannot actually be received at that address for the intended recipient (Fisher, Record of Visit to UPS Store). Apparently, numerous PACs use this UPS store as their street business address (Fisher, personal op.) People4SaltLakeCity did not return telephone calls to numerous media inquiries at the telephone number listed on their Statement of Organization (People4SaltLakeCity). Although director names are listed, who these people are and what their relationship to the candidates might be is unknown to the general public.

It is unclear whether either UIG or People4SaltLakeCity registered or are required to register by City ordinances as a political campaign committee with the Salt Lake City Recorder's Office (SLC Rev. Ord. 2.46.030, *Registration with City Recorder*). The Salt Lake City Recorder's Campaign Finance Reporting website shows no activity for either entity (Salt Lake City Recorder). No 2019 mayoral campaign activity is shown for Reagan Outdoor Advertising (*id*). Generally, Salt Lake election laws *do not* require registration with the Recorder's Office if a political action committee acts independent of a candidate. PACs are required to register if they coordinate expenditures or contributions with a candidate. *See discussion*, below.

The principal activities of People4SaltLakeCity (P4SLC) were to send out last minute post-cards implying that candidates Erin Mendenhall, Luz Escamilla and David Ibarra as cartoon sheep acting at the will of Republican Governor Gary Herbert (P4SLC, "Sheep" Postcard). The post card implied that those candidates were sponsored by the "republican establishment" and Governor Herbert (Fox News, Nixon). P4SLC also sent at least three robo-text messages using spoofed calling ids with the similar content. One P4SLC robo-text message claimed that a local TV station reported that "far-right GOP legislators" and "INLAND PORT developers" sponsored candidates Mendenhall and Escamilla. The local TV station denied that they made such a report (Herbet, Herbert Twitter). A P4SLC postcard was also mailed by P4SLC unambiguously supporting candidate Garbett (Nixon, Fox News).

Candidates denied that they had any involvement with the activities of these PACs or that they authorized the PACs to issue statements favoring or opposing their candidacy (Mullahy, Fox News). In a Facebook post, candidate Garbett provided a similar denial of coordination with P4SLC Pac,

Recently, this mayoral race has seen an influx of PAC activity in the election. By law, PACs cannot coordinate with campaigns, even when working to elect a specific candidate. For the most part our campaign has ignored these new efforts by PACs. We do not control them and they do not change our own strategies to get out and sell our message to voters.

However, I am disappointed that some PAC efforts have targeted my opponents while also sending messages of support for my candidacy. I understand why these are upsetting to people and why it appears my campaign has influenced these. To be clear, they were not from me or my campaign and we do not support them. I have reached out to the affected candidates personally to speak with them about this. I have also reached out to the PAC asking it to stop any further efforts, though ultimately that is out of my control. The focus should be on what each of us can bring to the city, not on our opponents (Garbett Facebook Post, August 10, 2019).

Candidate Garbett added that,

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Seeing one thing by a PAC is different than seeing several. Because we cannot, and did not, coordinate I was unsure of what, if anything, was going to come out. It ended up crossing a line for me and I'm doing what I can to ensure it doesn't continue to happen and that I reach out to the other candidates personally (Garbett Facebook Reply).

The foregoing events resulted in a confusing state of affairs for voters. The public could not distinguish what communications were authorized or not authorized or coordinated or not coordinated between any candidate and a political action committee.

The source of that confusion had two sources: First, was the size and readability of required disclosure statements on the Reagan Outdoor Advertising billboards. The size and readability of digital billboard disclosures is discussed below in the Section III.

Second, it was the possible that any one of the candidates were being untruthful about their coordination with a specific PAC, i.e. - that they were lying. This state of affairs interjected doubt, uncertainty and a mistrust into election institutions of the 2019 Salt Lake City mayoral primary election. They injected uncertainty of the legitimacy of any candidate who prevailed in the primary election and ultimately in the general election.

As a preliminary matter, what candidate Garbett said, *i.e.* – “By law, PACs cannot coordinate with campaigns, even when working to elect a specific candidate” – is an incorrect statement of Salt Lake City municipal election law.

Under the City's municipal code, expenditures are divided into two broad categories: “independent expenditures” (SLC Rev. Ord. 2.46.010, *Definitions – Independent Expenditure*) including independent expenditures by “independent expenditures committee” (SLC Rev. Ord. 2.46.010, *Definitions – Independent Expenditure Committee*), and those made by the candidate's political campaign and any political campaign or issue committee (SLC Rev. Ord. 2.46.010, *Definitions – Political Committee*) that make “coordinated” expenditures with a candidate. Salt Lake City Revised Ordinances § 2.46.010 explains what a “coordinated expenditure” is,

INDEPENDENT EXPENDITURE: An expenditure on behalf of, or opposing the election of, any candidate, when such expenditure is made independently of the candidate or the candidate's personal campaign committee, or their agents, and when such expenditure is made without the prior consent or the collusion or cooperation of, and not at the request or suggestion of, the candidate or the candidate's personal campaign committee or their agents. (SLC Rev. Ord. 2.46.010, *Definitions – Independent Expenditure*).

“Independent expenditures committees” are not required to file any campaign finance report with the City as long as they make the expenditure without “coordinating” with a candidate, even for those expenditures that directly advocate for the election of a specific candidate. “Independent expenditure committees” are not “political committees” that are required to file campaign contribution reports with the City:

POLITICAL COMMITTEE: A group of persons cooperating to aid or promote the success or defeat of a candidate or issue, including the making of donations to a personal campaign committee. “Political committee” does not mean an individual, a personal campaign committee, an independent expenditures committee . . .” (SLC Rev. Ord. 2.46.010, *Definitions – Political Committee*)

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REGISTRATION WITH CITY RECORDER: Before a personal campaign committee or a political committee solicits or receives its first contribution, or makes its first expenditure, such committee shall file a written statement with the city recorder, which filing shall constitute registration with the city by such candidate or committee: . . . B. The written statement of a political committee shall be signed by the chairperson of such committee, shall state that committee exists, and shall list the names and addresses of its officers. (SLC Rev. Ord. 2.46.030, Registration with City Recorder).

Salt Lake City Revised Ordinances § 2.46.010, *Definitions – Coordinated Expenditure*, also explains what a “coordinated expenditure” is,

COORDINATED EXPENDITURE: Except as provided in the next sentence, an expenditure made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his or her personal campaign committee, or their agents. Coordinated expenditures include, but are not limited to, coordinated advertising on billboards and on taxicabs or other ground transportation vehicles as defined in section 5.71.010 of this code, but do not include a lawn sign, a sign on residential property, a bumper sticker, a handheld sign, a sign on the body of a person, a sign on a motor vehicle other than a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, or a sign in a part of a building that is not normally used for commercial advertising by a third party. (SLC Rev. Ord. 2.46.010, Definitions – Coordinated Expenditure).

The City election code was passed as a mini-City election law as authorized by Utah Code Ann. 10-3-208. Cities may pass laws that are *more restrictive* than the State's minimum standards set forth in Section 208. In one respect, Salt Lake City's definition is *less restrictive* than the State's minimum standards. That State law defines “coordination” in a municipal election as,

(e) “Coordinated with” means that goods or services provided for the benefit of a candidate are provided: (i) with the candidate's prior knowledge, if the candidate does not object; (ii) by agreement with the candidate; (iii) in coordination with the candidate; or (iv) using official logos, slogans, and similar elements belonging to a candidate (Utah Code Ann. § 10-3-208(e), emphasis added).

This minimum standard of U.C.A. § 10-3-208(e) regarding the use of logos should govern over Salt Lake City's ordinance. Effectively this means where any use of a candidate's logo in an independent contribution type-advertisement or billboard occurs, the free billboard advertising is transformed into a reportable coordinated contribution (*id*).

Webster's defines “coordinated” as: “Definition of coordination. 1 : the process of organizing people or groups so that they work together properly and well. . . .” (Merriam-Webster's).

Expenditures that are “independent” or “coordinated” are lawful; the City election code does not prohibit coordinate between a candidate and political action committee. The difference is if a “coordinated expenditure” is made by an “independent committee”, then both the candidate must include the expenditure on their campaign finance statements filed the Salt Lake City Recorder's Office (Salt Lake City Rev. Ord. 2.46.090(A)) and the “independent committee” becomes a “political committee” that must file a contribution report with the City Recorder (Salt Lake City Rev. Ord. 2.46.090 (B)).

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A candidate's failure to disclose that an independent expenditure is in fact a coordinated contribution or expenditure is an infraction of municipal election code,

It shall be an infraction, punishable as provided by title 1, chapter 1.12 of this code, or its successor: 1) for any person to fail to file when due any required campaign finance statement, verified financial statement, or report specified in this chapter or to knowingly or willfully falsify or omit any information required by any of the provisions of this chapter" (Salt Lake City Rev. Ord. 2.24.120(a)).

Similarly, an "independent committee" that makes a coordinated contribution, including by using a candidate's logos, also violates Salt Lake City Rev. Ord. 2.46.090 (B), if it does not file a campaign finance report with the City Recorder.

In order to guard against collusion between candidates and PACs, to prevent their hiding coordinated third-party contributions to a candidate, and to prevent confusion in the minds of the voting public, Salt Lake City Rev. Ordinance § 2.46.060 also requires that almost all political election communications directed to the public be labelled with the name of the person sponsoring the message:

RESPONSIBILITY FOR POLITICAL COMMUNICATIONS REQUIRED.
Every advertisement or communication made for a political purpose which is broadcast or published by means of television, radio, newspaper, billboards, direct mailings, automatic telephone equipment, paid telephonists, leaflets, fliers, posters, bumper stickers or other printed matter shall contain a disclosure of the name of the personal campaign committee or political committee responsible for its broadcast or publication. (SLC Rev. Ord. 2.46.060, title emphasis in original).

Violations of the SLC Rev. Ord. 2.46.060 regarding responsibility for political communications are not punishable by any civil fine or criminal penalty (Salt Lake City Rev. Ord. § 2.46.120). However, the City authorizes private citizens to file a private cause of action in Third Judicial District Court of Utah to enforce any violation of the election code, including an award of attorney's fees and costs:

A private party in interest may bring a civil action in district court to enforce the provisions of this chapter. In accordance with section 10-3-208, Utah Code Annotated, in such a civil action, the court may award costs and attorney fees as to the prevailing party (Salt Lake City Rev. Ord. § 2.46.120(1)).

State and federal laws can be consulted for useful reforms that might be incorporated into Salt Lake City's election code.

Salt Lake City's election ordinance is less restrictive than a similar Utah State law that went into effect on May 14, 2019. The new State law regarding responsibility for political advertisements *does not apply* to municipal elections, but nonetheless gives useful guidance for possible reforms. Newly enacted Utah Code Annotated § 20A-11-901 (effective May 14, 2019) provides that political communications must also expressly state whether the candidate authorized a purportedly independent communication,

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20A-11-901. Political advertisements -- Requirement that ads designate responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of endorsements.

(1) (a) Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating for the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement: . . .

(iii) if not authorized by a candidate or a candidate's campaign committee, shall clearly state the name of the person who paid for the advertisement *and state that the advertisement is not authorized by any candidate or candidate's committee.* (U.C.A. § 20A-11-901 effective 5-14-2019, emphasis added).

Federal election regulations – which *do not* apply to a municipal election - require the now familiar “I am X, and I authorized this advertisement” disclaimer used in campaigns for federal offices in TV or radio advertisements. Federal election regulations are another source of example laws that might be used to devise reforms for Salt Lake City election ordinances. Generally, Federal Election Commission regulations require for most print advertisements, including billboards, that any advertisements not authorized by the candidate should state:

If the communication, including any solicitation, is not authorized by a candidate, authorized committee of a candidate, or an agent of either of the foregoing, the disclaimer must clearly *state the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication, and that the communication is not authorized by any candidate or candidate's committee* (11 C.F.R. § 110.11(b)(3) (emphasis added), *see* FCC FAQ).

Based on the foregoing experiences in the 2019 Salt Lake City mayoral primary election, recommended reforms to Salt Lake City's election laws are as follows:

- 1) Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications Required*, should be amended to incorporate the standard that any communication supporting a candidate, but not authorized by a candidate, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any candidate or candidate's committee.
- 2) Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications Required*, should be amended to require that any communication supporting a candidate, but not authorized by a candidate, shall include the permanent street address, telephone number, or World Wide Web address of the person who paid for the communication.
- 3) Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications Required*, should be amended to include among coordinated communications, “using official logos, slogans, and similar elements belonging to a candidate”. This would conform the City's ordinance to the minimum election standards of Utah Code Ann. § 10-3-208(e).

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- 4) Salt Lake City Rev. Ord. 2.46.030, *Registration with City Recorder*, should be amended to expressly require that all political committee registration statements must list current street business addresses. In a registration statement, the use of mailing addresses, such as at private post office boxes, should only be allowed to provide a supplemental means of contacting a political committee at its permanent business street address.
- 5) The City should lobby the State of Utah at the next general session of the State Legislature to amend Utah State election code to require that all political committee registration statements must list current street business addresses. The use of mailing addresses, such as at private post office boxes, in lieu of a business street address, in registration statements should be prohibited.

Reformed City ordinances in (1) to (4) should be adopted and become effective 30 days before the November 2019 mayoral general election.

III. MUNICIPAL ELECTION LAWS SHOULD BE ENHANCED TO REQUIRE MINIMUM TYPEFACE SIZE AND CONTRAST REQUIREMENTS USED FOR POLITICAL ADVERTISEMENT DISCLAIMERS.

One PAC discussed exploited a loophole regarding size and contrast requirements for political disclaimer statements displayed on its digital billboards. Utahns for Independent Government's advertising on Reagan Outdoor Advertising's digital billboards along Salt Lake County freeway system and at the 600 South off-ramp used visually miniature typefaces with colors that had a low contrast (Fisher, personal observation). One advertisement featured the disclaimer on a red background with low-contrasting brown disclaimer text.

This writer uses the 600 South off-ramp several times each day. While the name "Utahns for Independent Government" was printed at the bottom of UIG digital billboard advertisements supporting Escamilla, Ibarra, and Garbett, it was unreadable when driving by the signs. This writer unsuccessfully attempted to read the disclaimer many times. On one occasion, I stopped at the bottom of 600 South off-ramp and tried to read the disclaimer while not moving. Eventually, I located the Mullahy news report on the internet that tied the advertisement to Utahns for Independent Government. I returned with a pair of binoculars to the digital billboard and was able to read the UIG disclaimer using 10x binocular magnification.

These typeface size and color compositions were, on information and belief, intentional choices made by UIG in coordination with Reagan Outdoor Advertising in order to make it appear to ordinary readers as if the advertisements were authorized by the respective candidates that the advertisement supported. If an ordinary reader had to strain to read the disclaimer, they would be likely to ignore the disclaimer and assume that the billboard came directly from the candidate.

Such questionable use of typeface size and mimicking design characteristics of a candidate's official site not limited to UIG. Other PACs advocating for other candidates also engage in such conduct. For example, Figure 1 shows a photograph of a billboard seen at several locations in Salt Lake City supporting Escamilla. This particular billboard is (on August 16, 2019) on the north side of 400 South and behind the Green Pig Bar at approximately 40 East 400

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South. The billboard is placed to be viewed by motorists traveling east bound on 400 South. Figure 2 is a screenshot of the logo of the Escamilla for Mayor Campaign from her campaign committee's official website (Escamilla).

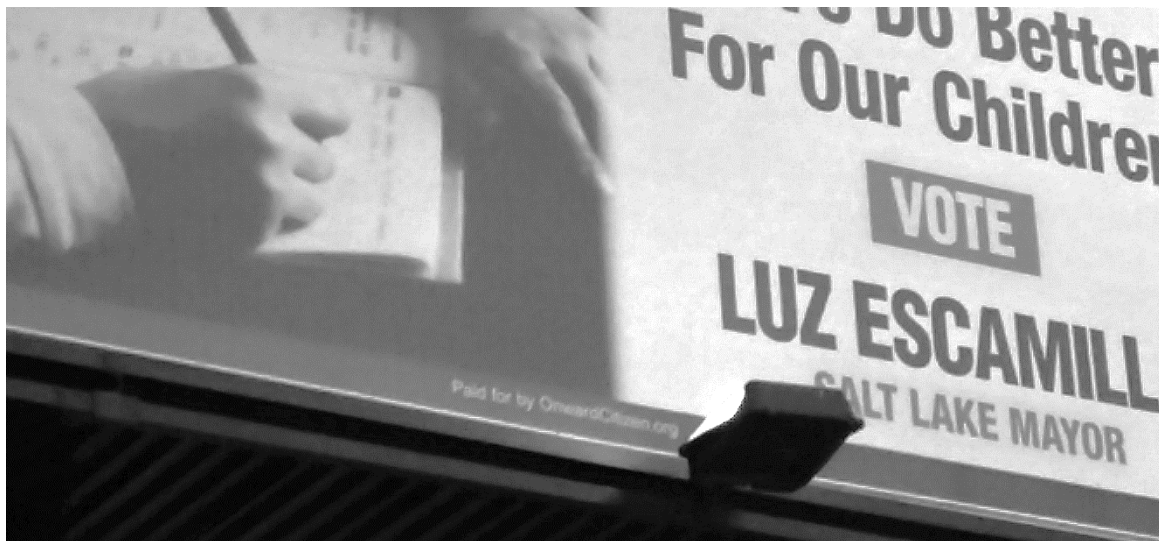


Figure 1 - Billboard sponsored by OnwardCitizen.org at approximately 40 East 400 South. (Fisher, Aug. 16, 2019). Notes: Type composition in lower right-hand corner is in green, blue and white. In micro type at the bottom are the words “Paid for by OnwardCitizen.org”.



Figure 2 - Escamilla for Mayor Logo (Escamilla). Notes: Typeface composition is similar to the OnwardCitizen.org billboard. The color scheme is also in white, green and blue.

The billboard uses typeface and coloration (green, blue and white) in the lower right-hand quarter that mimics the official logo of the candidate such that the ordinary viewer would conclude that the political advertisement is made by and paid for by the candidate.

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This billboard was not paid for by the candidate. Nothing on the billboard itself indicates whether candidate Escamilla authorized this billboard or whether it is an unauthorized and independent expenditure. The billboard does contain the disclaimer required by Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications*. In micro-type that is too small to be read by motorists travelling eastbound on 400 South and too small to be read by pedestrians walking on the north side of 400 South the words "Paid for by OnwardCitizen.org" appear at the bottom of the billboard. The typeface of the disclaimer was so small that this writer was unable to take a clear photograph of it, and the billboard's sponsor's name could only be read by standing directly under the billboard and squinting.

Onward Citizen is a 504(c)(4) corporation and PAC (Onward Citizen, About Page). It has no listing with the Lt. Governor's Office or with the Salt Lake City Recorder's Campaign Finance System. The Onward Citizen web site lists a business address of Suite 1900, 136 East South Temple. That is also the address of the law firm of Pai, Anderson, Moss and Hoyt, P.C. (PAMH, webpage). In short, there is no means to determine why a law firm is running a PAC that is donating free advertising to his candidate. The relationship, if any, between Escamilla, Onward, and PAMH is not transparent to the public. There is no way to determine if this PAC advertisement expenditure is independent or if it is coordinated with the candidate.

The name "OnwardCitizen.org" is itself ambiguously chosen so the ordinary reader might imply that "OnwardCitizen.org" is somehow associated with "OnwardTogether.org". OnwardTogether and its political action committee OnwardTogether Pac are entities founded by Hillary Clinton to nationally promote and support minority and female candidates at all levels of government (OnwardTogether - Mission, Onward Together – Pac). Whether OnwardCitizen's choice of its name was an advertising ploy to leverage OnwardTogether's brand or whether OnwardCitizen is actually an affiliate or a funding recipient from OnwardTogether is unknown. Candidate Escamilla is listed as a recipient of OnwardTogether support on its Pac page (Onward Together – Pac). Similarly, whether OnwardCitizen receives contributions from Zions Bank, the employer of Luz Escamilla is not known.

Although it is a socially desirable and heartening to learn (in this author's political view) that a local PAC, even an out-of-state "dark" PAC, is fostering the development of minority female candidates in Utah that is no justification for a PAC to adopt misleading campaign billboard advertising tactics. Such tactics are designed to further confound voters by using typeface, contrasts, and design composition to make it appear that an independent expenditure is being made by the candidate and not be a third party.

The foregoing example taken from the current Escamilla mayoral campaign illustrates the quandary that modern voters find themselves in the post-*Citizens United* era. Who funds OnwardCitizen's independent expenditure support for candidate Escamilla is unknowable; voters are left to fill-in the blanks with their imagination and based on speculation. In its 2010 landmark decision, *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), the United States Supreme Court held that the free speech clause of the First Amendment prohibits governments from restricting independent expenditures. It is a foundation of modern law that "dark" PACs can hide the identity of its contributors behind the screen of a § 501(c)(4) corporate screen.

In the post-*Citizens United* era, the primary remaining bulwark against commercial interests publishing misleading political advertising designed to mislead the voting consumer

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that an ad or billboard comes from the candidate and not a third-party independent PAC is truth-in-labeling requirements. To combat “dark” Pac money, political advertisements should be labeled with clear, easily readable statements of the identity of the publishers and whether ad is authorized by the candidate. Like other consumer products in our daily lives, like food, drugs, and cigarettes, truth-in-labeling is central to protecting consumers. Federal election regulations provide examples of how enhanced truth-in-labeling protections can be incorporated into Salt Lake City's election code.

These kinds of composition and typeface abuses are not a new tactic by political action committees or candidates. Federal election regulations provide illustrative guidance for municipal election code reforms to address a PAC avoiding taking responsibility of its communications by not actually transmitting with disclosure through the device of small-sized type or low-contrast color selections. These federal requirements are not directed specifically at billboards, but they provide useful examples of how the City might enhance its election code:

2. Specific requirements for printed communications. In addition to the general requirement of paragraphs (b) and (c)(1) of this section, a disclaimer required by paragraph (a) of this section that appears on any printed public communication must comply with all of the following:

i. The disclaimer must be of sufficient type size to be clearly readable by the recipient of the communication.

iii. The disclaimer must be printed with a reasonable degree of color contrast between the background and the printed statement. (11 C.F.R. 110.11(2), emphasis added).

. . . .

4. Specific requirements for radio and television communications paid for by other persons and not authorized by a candidate. In addition to the general requirements of paragraphs (b) and (c)(1) of this section, a communication not authorized by a candidate or a candidate's authorized committee that is transmitted through radio or television or through any broadcast, cable, or satellite transmission, must comply with the following:

. . . .

iii. A communication transmitted through television or through any broadcast, cable, or satellite transmission, must also include a similar statement that *must appear in clearly readable writing at the end of the communication*. To be clearly readable, the statement must meet all of the following three requirements:

A. The statement must appear in letters equal to or greater than four (4) percent of the vertical picture height.

B. The statement must be visible for a period of at least four (4) seconds; and,

C. The statement must appear with a reasonable degree of color contrast between the background and the disclaimer statement. . . . (11 C.F.R. 110.11(4) (emphasis added)).

One interpretation of Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications Required*, is that the ordinance is functional – it requires an actual transmission of a disclaimer. Merely printing unreadable micro type is a violation subsection 0.060 because the message is never actually received by likely voters. However, since there is no penalty in Salt Lake City Rev. Ord. § 2.46.120 for such violations, a preliminary inquiry by the City Attorney's Office on whether UIG committed a violation of the “Responsibility for Political Communications” requirement would not be an effective use of public resources.

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Based on the foregoing experiences in the 2019 Salt Lake City mayoral primary election, recommended reforms to Salt Lake City's election laws are as follows:

- 1) Salt Lake City Rev. Ord. 2.46.060, *Responsibility for Political Communications Required*, should be amended with respect to billboard, TV and printed advertising to incorporate the standard that any communication supporting a candidate, whether or not it is authorized by the candidate, should contain a required disclaimer statement that is clearly readable.
- 2) Salt Lake City Rev. Ord. 2.46.060 should be amended to specify performance requirements for specific common methods of communication, e.g. – printed materials, billboards, and television ads.
- 3) Salt Lake City Rev. Ord. § 2.46.120, *Violations*, should be amended to make a violation of reformed typeface and contrast specifications on billboards an infraction.

A reformed City ordinance in (1) to (3) should be adopted and become effective 30 days before the November 2019 mayoral general election.

By way of illustration, Figure 3 shows a hypothetical billboard that does not use typography and contrast to obscure whether the candidate authorized the advertisement. The example includes an express disclaimer concerning whether the advertisement is or is not authorized by the candidate, but it excludes a permanent PAC street address for simplicity:

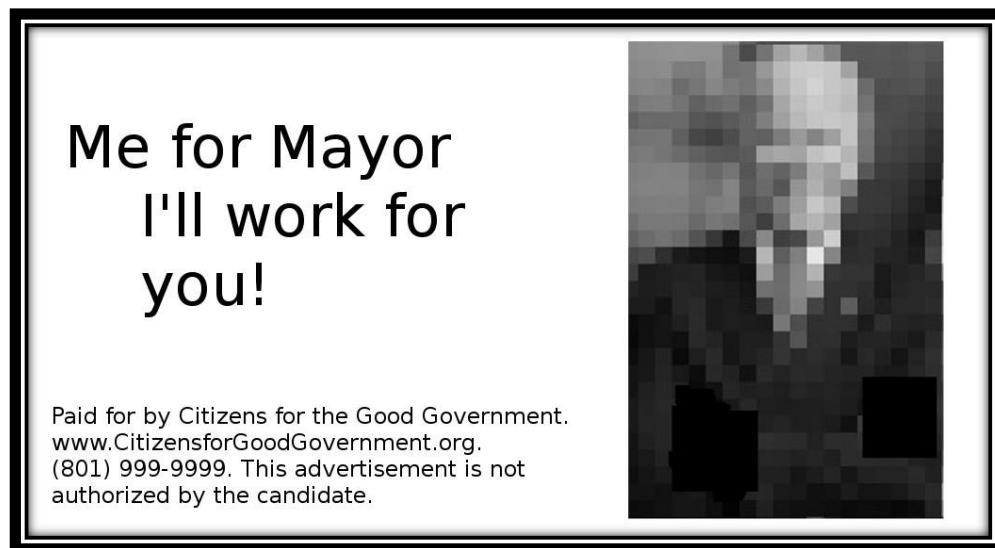


Figure 3 – Example of Appearance of a Billboard after Adoption of Recommended Reforms.

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IV. THE SALT LAKE CITY ELECTION CODE SHOULD BE AMENDED TO TRANSFORM ALL UNAUTHORIZED INDEPENDENT EXPENDITURES INTO CONTRIBUTIONS WHERE A CANDIDATE RATIFIES THE UNAUTHORIZED EXPENDITURES.

Disclaimer: This argument is based primarily on a news report by KUTV News that an Ibarra for Mayor billboard located near 1035 South and 900 West was donated free-of-charge to the Ibarra for Mayor campaign. This news report may err. On blowing up the image from the KTUV report, it is not possible to determine if the disclaimer in the lower-left hand corner references the Ibarra for Mayor Campaign or Utahns for Independent Government. This news report should be investigated further by the City Council before relying on it to formulate election reforms.

Utahns for Independent Government used the Ibarra logo on the 600 south off-ramp billboard and the 900 south on ramp without the candidate's prior permission and in violation of Utah Code Ann. § 10-3-208(e). *See discussion* above. Figure 4 shows a UIG billboard along on the 900 South off-ramp that utilizes the Ibarra campaign logo. This image is from the Mullahy news report (Mullahy). Figure 5 shows the Ibarra campaign logo downloaded from the Ibarra for Mayor website (Ibarra). The two are nearly identical. As noted above, as reported in the media on July 25, 2019 (Mullahy), Ibarra ratified and welcomed the free advertising made by UIG on his campaign's behalf.



**Figure 4- UIG Billboard Ad along 900 South On-Ramp. July 25, 2019. (Mullahy).
Reported by Mullahy as donated to Ibarra for Mayor Campaign.**



Figure 5 - Ibarra for Mayor Logo (downloaded from Ibarra for Mayor website, August 16, 2019).

As noted above, a reasonable interpretation of “coordination” as used in the Salt Lake City election code is that a candidate ratifying independent expenditures, including the previously unauthorized use of their campaign logo in violation of U.C.A. § 10-3-208(e), transforms all subsequent independent expenditures into contributions. Under this interpretation, the Salt Lake City Recorder should work with UIG and Ibarra to file the required political campaign committee statements with the City Recorder’s Office and to file the required campaign contribution and expenditure reports at least 7 days before the general election.

However, these laws are open to alternative reasonable interpretations. Therefore, based on the foregoing experiences in the 2019 Salt Lake City mayoral primary election, recommended reforms to Salt Lake City’s election laws are as follows:

- 1) Salt Lake City Rev. Ord. 2.46.010, *Definitions – Coordinated Expenditure, Independent Expenditure, and Political Committee*, should be amended to provide that when a candidate ratifies unauthorized expenditures, that ratification transforms the independent expenditures into contributions and transforms an independent committee into a political committee acting on the candidate’s behalf.

V. SALT LAKE CITY ORDINANCES AND THE UTAH STATE ANTI-ROBO CALLING LAW SHOULD BE ENHANCED TO EXPRESSLY INCLUDE CANDIDATE, POLITICAL ACTION COMMITTEE AND POLITICAL INFLUENCE COMMITTEE COMMUNICATIONS, INCLUDING THOSE SENT BY ROBO-TEXTING.

One "dark" PAC, People4SaltLakeCity, used robo-text messaging with spoofed caller ids, as discussed above. On August 11, 2019, I and many of my neighbors received the following text message using spoofed caller ids that stated: "FOX13NEWS reports that Mendenhall & Escamilla took \$\$\$ from INLAND PORT developers and far-right GOP legislators. It concerns People4SaltLakeCity. Does it concern you?" The phone number - and all other text messages received from People4SaltLakeCity between August 11 and August 13 - utilized spoofed caller

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ids. The above quoted message was sent from (801) 210-6304. That number is returned by the telephone company as an "invalid number" when called. Fox 13 News later characterized the content of the quoted message as false (Herbets, Herbets Twitter).

The Federal Communications Commission prohibits the use of spoofed caller ids to send false information by telephone to obtain a thing of value (47 C.F.R. 64.1604). Utah Code Ann. § 13-25a-103(1) and (4) also prohibits the use of spoofed caller ids to send false information to obtain a thing of value. U.C.A. §§ 103(1) makes reference to 47 USC § 227, the authorizing law for 47 C.F.R. 64.1604.

A vote in the 2019 Salt Lake City primary mayoral election is a thing of value. Through June 28, 2019, contributions to various candidates and the independent expenditures by UIG totaled to approximately \$1,666,000 (Salt Lake City Recorder Campaign Finance System), or \$45 per resident for the 37,102 residents that voted in the primary election (Salt Lake County Election Clerk).

After People4SaltLakeCity sent its August 11 spoofed caller id text message containing false content, on August 12, P4SLC sent out a second spoofed id text message supporting candidate Garbett. The message stated, "SLTrib: Mayor needs to think big.. GARBETT NAILED IT. 'Why bother running 4 Mayor to talk about what we can't do.' It's about what we CAN do! People4SaltLakeCity" (P4SLC, August 12).

Utah's anti-robo calling law prohibits any residential telephone solicitation, regardless of the truthfulness of the message's content or whether it is to obtain a thing of value, unless there is a prior business relationship between the solicitor and the residential telephone number's owner without prior express consent of the telephone owner (U.C.A. § 13-25a-103). Section 103(6) provides that,

A telephone solicitor may not withhold the display of the telephone solicitor's telephone number from a caller identification service when that number is being used for telemarketing purposes and when the telephone solicitor's service or equipment is capable of allowing the display of the number (U.C.A. § 13-25a-103(6)).

There appears to be no exception in these laws for political action committee solicitations for electioneering purposes. Violations of the State anti-robo calling law are enforced by administrative complaint to the Utah Department of Consumer Protection or the Federal Communications Commission.

However, opponents of these laws might argue that a political electioneering or free-speech exceptions exists to these laws. Therefore, based on the foregoing experiences in the 2019 Salt Lake City mayoral primary election, recommended reforms to Salt Lake City's election laws are as follows:

- 1) Salt Lake City Rev. Ord. 2.46 *et seq.* A new section should be added, if not preempted by State law – that prohibits robo-calling and robo-text messaging for election purposes. This section would not prohibit traditional manual telephone calling by campaigns or political action committees. This new section would clarify that robo-calling and robot-texting using spoofed caller ids is unlawful, and would require the returned caller id to return to a campaign or committee's primary registered telephone number, if technically

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possible. This amendment would clarify state law regarding robo-calling with spoofed or not-spoofed caller ids.

- 2) The City should lobby the State of Utah at the next general session of the State Legislature to amend the Utah State robo-calling statute and election code to clarify that that robo-calling and robot-texting using spoofed caller ids is unlawful, and would require the returned caller id to return to a campaign or committee's primary registered telephone number, if technically possible.

VI. THE SALT LAKE ELECTION CODE SHOULD BE UPDATED TO CONFORM TO STATE POLICY ON THE UNAUTHORIZED USE OF OTHERS' PERSONAL IDENTITY TO IMPLY ENDORSEMENTS.

During the campaign, People4SaltLakeCity issued a second postcard supporting candidate Garbett standing next to Mayor Biskupski at a Pioneer Park Coalition function (People4SaltLakeCity, Pioneer Postcard). On August 10, Mayor Biskupski issued a twitter statement that,

I have been informed that a mailer sent by People4SaltLakeCity PAC in support of David Garbett includes an image of us together at a City function that could be construed as an endorsement. I do not endorse David nor have I formally endorsed any candidate (Biskupski).

Such activity is not a violation of the current Salt Lake City election code. A "dark" PAC can freely use such images in a *municipal* election. With respect to an election for a *state office* – which *does not* apply here – unauthorized use of other persons' identities for the purpose of making the appearance of an endorsement is prohibited with their consent,

A person may not, in order to promote the success of any candidate for nomination or election to any public office, or in connection with any question submitted to the voters, include or cause to be included the name of any person as endorser or supporter in any political advertisement, circular, poster, or publication without the express consent of that person (Utah Code Ann. § 20A-11-901(5), effective May 14, 2019).

Based on the foregoing experiences in the 2019 Salt Lake City mayoral primary election, recommended reforms to Salt Lake City's election laws are as follows:

- 3) Salt Lake City Rev. Ord. 2.46 *et seq.* A new section should be added, that conforms the municipal code to state policy by incorporating Utah Code Ann. § 20A-11-901(5)'s prohibition against using another's personal identity in a political advertisement without their consent.

VII. IS THERE ANY ACTUAL HARM, SINCE LOSING CANDIDATES DID NOT BENEFIT FROM THE ACTIVITIES OF UTAHNS FOR INDEPENDENT GOVERNMENT AND PEOPLE4SALT LAKE CITY?

Is there an actual harm that needs to be remedied by reform legislation? Yes, this primary election featured a multi-candidate race in which the top 4 candidates polled and received roughly 20% of the vote each. The difference in votes between the second and third position candidates was 469 votes out of 37,102 votes. All that the activities of the two PACs discussed above had to achieve in order to change the election's outcome was to affect 469 voters.

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Take the UIG billboard at the 600 South off-ramp as an example. Each day about 168,000 people commute into Salt Lake City. Assume one-quarter of those who use the 600 South off-ramp are Salt Lake City residents. UIG ads supporting three candidates ran for about 15 days. That works out to about 630,000 advertising encounters.

In the last general mayoral election about 68,000 voted. Assume for estimation purposes that the P4SLC technical people that ran the robo-texting operation were able to use advanced identity algorithms to match one-half of those 68,000 voters from the County election rolls with their telephone phone numbers. Assume they sent 3 text messages to each of those 34,000 telephone text-message numbers. That is potentially another 102,000 potential voter contacts in the days just before the primary election.

Estimate that the technical support for that PAC sent out 68,000 postcards, one each for 68,000 voters.

All these potential, likely-voter encounters total to 788,000. This is a high-boundary estimate. Assume that a better high-bound estimate of the number of last minute voter encounters was 500,000.

Occam's razor suggests those 500,000 likely-voter encounters were sufficient to change the difference between the second and third candidates by 469 votes. In conclusion, there was harm to the integrity of the election process, where both UIG and People4SaltLakeCity could exploit loopholes in the existing City election code.

VIII. THE SALT LAKE CITY COUNCIL AND THE SALT LAKE CHAMBER OF COMMERCE SHOULD ISSUE A JOINT STATEMENT REAFFIRMING ANTI-CORRUPTION PRINCIPLES IN BOTH GOVERNMENT AND BUSINESS.

A Reagan Outdoor Advertising officer skirted the anti-bribery norms of disclaiming that there was any expectation of a *quid pro quo* from candidates Escamilla, Ibarra, or Garbett for UIG's provision of free-billboard advertising:

Reagan Outdoor's Dewey Reagan said the company did not ask for anything from the candidates in exchange for the free high-profile plugs, but believes the three are willing to look at "problems" in the city's billboard ordinance (Mullahy).

Candidates Escamilla, Ibarra, and Garbett are not public officers of Salt Lake City Corporation without the power to rule on ROA's requests to liberalize billboard ordinances. Escamilla is a public officer – a sitting Utah State Senator. (Candidate Dabakis is ignored here because of his vigorous opposition to accepting any Pac monies.)

UIG provided no free-billboard advertising to candidate Mendenhall who is a current public officer of Salt Lake City Corporation with direct authority to rule on ROA's future requests to liberalize billboard ordinances. This distinction may explain why UIG did not provide free billboard ads to candidate Mendenhall.

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Several Utah state and municipal laws apply. Utah Code Ann. § 76-8-105, *Receiving or soliciting bribe or bribery by public servant*, provides, in part that,

- (1) A person is guilty of receiving or soliciting a bribe if that person asks for, solicits, accepts, or receives, directly or indirectly, any benefit *with the understanding or agreement that the purpose or intent is to influence* an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter.
- (2) It is not a defense to a prosecution under this statute that:
 - (a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
 -
 - (c) the benefit is not asked for, conferred, solicited, or accepted until after:
 - (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; . . . (*emphasis added*).

The State of Utah has an anti-corruption gift act, but it *does not apply* to a local municipal election or to a political contribution,

- (2) Except as provided in Subsection (4), it is an offense for a public officer or public employee to knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift:
 - (a) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;
 - (b) that the public officer or public employee knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the public officer or public employee for official action taken; or
 - (c) if the public officer or public employee recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided in Section 67-16-6.
- (3) *Subsection (2) does not apply to: . . . (d) a political campaign contribution* (Utah Code Ann. § 67-15-5, *Accepting gift, compensation, or loan -- When prohibited*, (*emphasis added*).

Utah Senator Escamilla could accept free billboard services as a political contribution, but declined to do so, because her scope of duties are on the state, not the municipal, level.

Salt Lake City's municipal anti-corruption laws also includes an anti-corruption anti-gift provision, and its states, in part, that,

No public servant or volunteer public servant shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, for himself or herself or another, a gift that the public servant or volunteer public servant knows, or with the exercise of reasonable care should know: 1) would influence the recipient to depart from the faithful and impartial discharge of his or her public duties; or 2) is primarily for the purpose of rewarding the public servant or volunteer public servant for governmental action taken or not taken (Salt Lake City Rev. Ord. 2.44.080, *Accepting or making gifts prohibited*).

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Here is where the maze of municipal election laws becomes complex. Salt Lake City ordinances also except *political contributions* from its anti-gift statute,

Except as otherwise provided in this section, section 2.44.080 of this chapter *does not prohibit accepting*: A. Campaign Contributions: *A political campaign contribution* covered or regulated by chapter 2.46 of this title (Salt Lake City Rev. Ord. 2.44.090, *Gift prohibition exceptions, (emphasis added)*).

As noted in Section II above, Salt Lake City's municipal election laws differentiate independent expenditures from contributions (at p. 7, above). Independent expenditures are not political contributions.

It is possible that this quirk in Salt Lake City election laws explain why UIG offered free advertising as an independent expenditure to three candidates and excluded Mendenhall. Mendenhall was under an affirmative obligation to not accept any gifts that were *independent expenditures* that could affect her judgement as a sitting Salt Lake City public servant, notwithstanding the donor's intent. The free UIG billboard advertising is in that category.

Mendenhall was not offered and affirmatively rejected such assistance as reported in by local media.

The motivations of UIG are unknowable. But the controlling consideration here is how ROA and-or UIG perceived and would be perceived by the public when offering such gifts. UIG may have perceived that making independent expenditures to a sitting City public officer was simply too controversial given the ambiguities in the City's election laws.

The ROA officer's statements and the UIG structuring of its provision of free billboards to certain candidates were designed to lawfully skirt the perimeters of violating the above laws. *To be clear, ROA and UIG's actions were legal*, but those actions may have also undermined the confidence of Salt Lake City residents and likely primary election voters in the integrity of City's election system and the candidates.

These events took place against the backdrop of another ongoing controversy that has affected Salt Lake City residents' confidence in their governmental institutions – the Inland Port.

Because ROA's and UIG's actions may have undermined the confidence of the City's residents in the integrity of the City's 2019 Salt Lake City mayoral primary election, the following action is recommended:

- 1) The Salt Lake City Council should approach the Salt Lake Chamber of Commerce to issue a joint statement reaffirming the City's anti-corruption and anti-bribery principles.
- 2) In that joint statement, the Salt Lake Chamber of Commerce should reaffirm that its members have traditionally and will continue to adhere to anti-corruption and anti-bribery principles when dealing with City public servants, including not offering free gifts of things of value to City officials.

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CONCLUSION

The 2019 Salt Lake City mayoral primary election exposed several weaknesses in City ordinances designed to protect the integrity of the City's election processes. There is sufficient time between now and the November 2019 general election for the Salt Lake City Council to adopt reforms that address these identified weaknesses in the City's existing election laws. Several of these reforms involve relatively uncontroversial updates to conform Salt Lake City's municipal election laws to changes in Utah State election law policy. The difficult task of passing reform legislation should not be put off until after the November general election.

/s/ Kurt A. Fisher

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Ten Recommended Reforms for Salt Lake City's Election Code

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