



2019 General City Election

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This Presentation Will Cover

- **The basics of Idaho's consolidated election system and the responsibilities of the city clerk and county clerk.**
- **The deadlines for the 2019 general city election.**
- **Frequently Asked Questions.**



2019 Election Manual for City Clerks

AIC has prepared the 2019 Election Manual for City Clerks.

Manual and filing forms were emailed to all city clerks.

One paper copy of the manual has been snail mailed to each city.

The manual will also be available for free download on the AIC members only website: idahocities.org



The Manual Includes:

- Idaho Municipal Election Law—Idaho Code Title 50, Chapter 4—with helpful commentary. We strongly urge city clerks to read this section of the manual.
- The manual also includes sections on: voter registration, recall, recount of ballots, initiative and referendum elections, bond elections, and liquor by the drink elections.
- Frequently Asked Questions.
- Calendar of Deadlines.
- Model Notice of Candidate Filing Deadline & Candidate Filing Forms.





Understanding Idaho's Consolidated Elections System

What is Election Consolidation?

Until 2009, Idaho cities were responsible for running their own elections.

Things changed in 2009 when the Idaho Legislature approved the most sweeping reforms of local election laws in our state's history.



Consolidated Election Reforms

Local elections restricted to 2 dates per year:

- 3rd Tuesday in May, and
- Tuesday after 1st Monday in November.

2 additional dates for school bond/levy elections and recall elections:

- 2nd Tuesday in March, and
- Last Tuesday in August.

County clerks were put in charge of running elections for cities and other local governments.

The city clerk's role was limited to coordinating the candidate filing process.

Counties received \$4.1 million annually from the state to cover costs of local elections.



Responsibilities of City Clerk

Making candidate filing forms available to anyone upon request.

Ensuring that candidates understand and meet the qualifications to run for office.

Accepting completed filing forms from candidates.

Verifying the information provided by candidates in their filing forms.



Responsibilities of City Clerk, cont.

Forwarding the candidate filing forms to the county clerk as soon as possible after they are filed.

Providing withdrawal forms to candidates, accepting completed withdrawal forms from candidates, and transmitting the completed withdrawal forms to the county elections office.



Responsibilities of City Clerk, cont.

Publishing a legal notice informing potential candidates about the filing deadline, the positions up for election, and the qualifications to run for office.

Transmitting to the county elections office ballot language for any ballot questions, e.g. recall, initiative, referendum, advisory questions, bonds, levies, etc.



Responsibilities of City Clerk, cont.

Ensuring the official vote tally (canvassed by county commissioners) is presented to the city council, formally accepted by motion, and included in the council meeting minutes of a meeting in late November or December (results must be shown by precinct, if the city has multiple voting precincts).



Responsibilities of the County Clerk

Printing ballots,

Publishing the notice of election & sample ballot,

Conducting absentee voting by mail and in-person,

Selecting polling places and election staff,

Running polling places on Election Day, and

Counting ballots.



Responsibilities of the County Commissioners

**Canvassing the votes cast at the election, and
Establishing election precincts.**



Cost of Elections

The cost of consolidated elections is being paid by the state.

The only situations where cities must pay expenses:

- **Cities that have established runoff elections by ordinance for mayor or designated council seats.**
- **Ballot printing costs for any ballot question longer than 250 words.**
- **Any voluntary agreement between a city and county.**



Hally faces challenge from Bastow for Council

■ Incumbent is up against a former St. Anthony councilman

By BRYAN CLARK
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The race for Idaho Falls City Council Seat 3 features a showdown between three-term incumbent Councilman Thomas Hally and former St. Anthony City Councilman Evan Bastow, who lost an unsuccessful 2013 campaign for Seat 4.

Both plan to emphasize their support for growing business in Idaho Falls, but they have different visions of how to achieve that. Hally argues that using government policy intelligently, as seen in place at the Idaho Falls Development Agency, has a record of bringing in busi-

ness to the city. He plans to campaign on that experience, saying it will be a vital asset on a Council with many new members.

"There's a great deal of information on the role of Council members — what they can do and can't do — according to Idaho statute. ... We have responsibility for ordinances, policy and the budget, and those get really complicated," Hally said.

Bastow, who came in third out of the three Seat 4 candidates to make the 2013 ballot, says it's time for "fresh eyes" on the Council. He says his highest priority will be to lower taxes.

"Taxes are high in the city, which is driving businesses not to locate in Idaho Falls or to move out of Idaho Falls," Bastow said. But Hally has a different view

of the city. He plans to campaign on that experience, saying it will be a vital asset on a Council with many new members. "I'm a pro-growth person, and I feel I've backed a lot of growth in Idaho Falls through my involvement with the Idaho Falls Redevelopment Agency," he said.

Bastow argues that the city has tried too hard to be all things to all people. Rather than trying to provide more services, he said the city should look to privatize some of its existing infrastructure.

"We've looked at the city as the solution for everything," he said. "What we need to do is look at what private businesses can do (to replace services provided) by the city."

Bastow said the Idaho Falls Civic Auditorium, for example, should be spun off as a private non-profit.

Hally, on the other hand,



Evan Bastow

- Age: 57
- Marital status: Married
- Schooling: Associate's in business management, Ricks College



Thomas Hally

- Age: 72
- Marital status: Married
- Schooling: Master's in counseling, Idaho State Uni-

2019 General City Election Calendar



2019 General City Election Calendar

This presentation will cover the deadlines from the 2019 general city election calendar.

You can find the election calendar in Appendix A of the 2019 Election Manual for City Clerks.



Thursday, August 22, 2019

For cities desiring to change the salaries of elected officials, this is the deadline for publishing an ordinance passed by the Council to change elected official salaries effective January 1, 2020.



Considerations on Elected Official Salary Ordinances

A model ordinance for setting elected official salaries is included in the 2019 Election Manual for City Clerks in Appendix C.

The salary for elected officials should be set at a flat amount per month or year.

If elected officials receive health insurance/vision/dental coverage this needs to be specified in the compensation ordinance.



Friday, August 23, 2019

This is the first day for the city clerk to publish the notice of candidate filing deadline.



About the Notice of Candidate Filing Deadline

Must be published once as a legal notice in the official city newspaper between Friday, August 23 and Friday, August 30, 2019.

- Notice of Candidate Filing Deadline Must Include:
 - The name of the city,
 - The date of the election,
 - The offices up for election,
 - That declarations of candidacy are available from the city clerk, and
 - The filing deadline.
- A model notice of candidate filing deadline is provided in Appendix B of the 2019 Election Manual for City Clerks.



Monday, August 26, 2019

Candidate filing period opens at 8:00 a.m.

To get their name on the ballot, a candidate must submit a Declaration of Candidacy specifying the office and term for which they are running.

The candidate must also affirm they meet the following legal qualifications to run as of the date their Declaration of Candidacy is submitted to the city clerk.

For a model Declaration of Candidacy and Petition of Candidacy see Appendices D & E of the 2019 Election Manual for City Clerks.



Qualifications to Run for City Office:

- **Must be at least 18 years of age,**
- **A U.S. citizen,**
- **The candidate's primary residence must be in the city,**
- **The candidate must be registered to vote, and the address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and**
- **The candidate must have resided in the city for at least 30 days prior to submitting their declaration.**



**The Declaration of Candidacy must be accompanied by
one of the following:**

A Petition of Candidacy signed by at least 5 qualified city electors. The petition must have an attached certification from the county clerk indicating the number of signatures that are of qualified city electors,

OR

A nonrefundable filing fee of \$40.



City Clerk's Responsibility to Verify Qualifications

When candidates come in to pick up their filing forms, it is important for the city clerk to verify that the person meets the qualifications to run and is registered to vote in the city.

There is only one way you can really screw up the election and that is by having an unqualified candidate on the ballot. **Check EVERY candidate's qualifications, even if they are an incumbent.**



Why Check Candidate Qualifications?

It is the city clerk's responsibility to make sure every candidate is qualified to run.

Sometimes people move within the city and forget that they need to register to vote at their new address.

Also, counties purge the voter registration rolls of people who haven't voted for the past 4 years.

Mailing addresses sometimes don't accurately reflect the city that a person lives in.

Check that candidates are registered and the address of their voter registration as early as possible so there is time to fix any issues that come up.



Friday, August 30, 2019

Last day for city clerk to publish the notice of candidate filing deadline.

This deadline falls one week before the candidate filing deadline.



Friday, September 6, 2019

Candidate filing period closes at 5:00 p.m.

**City clerks need to keep their office open until
5:00 p.m.**



Friday, September 13, 2019

Deadline for the city clerk to certify the candidate names and any ballot questions to the county clerk for the Nov. 5, 2019 election.



Monday, September 16, 2019

Deadline for city clerk to certify the wording to the county clerk for a bond, levy, initiative, referendum, recall or any other ballot question ordered for the Nov. 5, 2019 election.



Friday, September 20, 2019

Deadline for nominated candidates—those who would be listed on the ballot—to withdraw their candidacy by filing a notarized statement of withdrawal with the city clerk.



Tuesday, October 8, 2019

Deadline for write-in candidates to file their Declaration of Intent with the city clerk indicating the office and term for which they are running and affirming their qualifications to hold the office, if elected.



Write-In Candidates: What You Need to Know

Write-in votes are only counted when cast for a person who has filed a Declaration of Intent with the city clerk at least 28 days prior to the election.

Write-in candidates are only required to file the Declaration of Intent with the city clerk—they are NOT required to submit a petition or \$40 fee.

See Appendix F of the 2019 Election Manual for City Clerks for a model Declaration of Intent for write-in candidates.



Qualifications for Write-In Candidates

Write-in candidates are required to meet the following qualifications as of the date their Declaration of Intent is submitted to the city clerk:

- At least 18 years of age,
- A U.S. citizen,
- The candidate's primary residence must be in the city,
- The candidate must be registered to vote, and the address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and
- The candidate must have resided in the city for at least 30 days prior to submitting their declaration.



Tuesday, November 5, 2019

Election Day.

- Polls open at 8 a.m. (may open at 7 a.m. at the County Clerk's discretion).
- Polls close at 8 p.m.
- Absentee ballots must be received by County Clerk's office by 8 p.m. in order to be counted.



Friday, November 15, 2019

Deadline for the county clerk to certify the canvassed official election results to the city.



Council Meeting in Late November or December 2019

The canvassed election results must be presented to the city council, formally accepted by motion, and included in the minutes of a council meeting in late November or December 2019.

The results must be shown in the minutes by precinct, if the city has multiple precincts.





Frequently Asked Questions



Term Limits for City Officials

Are term limits in effect for the 2019 general city elections?

No. Idaho's term limits statute was repealed by the 2002 Idaho Legislature. There are no restrictions on the number of terms city mayors and councilmembers may serve.



Retention of Election Records

Who keeps the election ballots and other records? The city or county? How long must these be retained?

Responsibility for retention of election records is split between cities and counties.



Records Retained by City Clerk

Since the city clerk is responsible for receiving filing forms from candidates, the Declarations of Candidacy, Petitions of Candidacy and Declarations of Intent will be retained by the city. These are permanent records that cannot be destroyed.

Likewise, since the city clerk is responsible for overseeing campaign finance reporting in cities over 5,000 population, these reports will also be retained by the city and must be retained permanently.



Records Retained by the County Clerk

Any records prepared by the county during the course of the election will be retained by the county after the election. These records are subject to the retention periods set forth in Idaho Code 34-217.

- Poll books,
- Tally books,
- Voted ballots,
- Unvoted ballots,
- Notices of election,
- Maps of precinct boundaries,
- Lists of absentee voters,
- Completed absentee request forms, and
- Absentee ballot affidavit envelopes.



Candidate Signing Their Own Petition

Can a candidate sign their own Petition of Candidacy?

Yes. There is nothing in the law that prohibits a person from signing their own Petition of Candidacy.



Signing Multiple Candidate Petitions

May a registered city voter sign petitions for 2 candidates running for mayor?

Yes. The law no longer prohibits a person from signing candidate petitions for multiple candidates running for the same office. A registered city voter may sign as many candidate petitions as they desire.



2-Year Council Positions

Which council positions will be up for election to 2-year terms?



2-Year Council Positions

Idaho Code 50-704 provides that councilmember vacancies “shall be filled by appointment made by the mayor with the consent of the council, which appointee shall serve only until the next general city election [held in November of each odd-numbered year], at which such vacancy shall be filled for the balance of the original term.”



An appointed councilmember serves until the next general city election in November of an odd-numbered year, at which point:

- **If the normal 4-year term of office concludes at the end of December of that year, the position is up for election to a 4-year term.**
- **If the normal 4-year term of office has 2 years remaining at the end of December of that year, the position is up for election to the remaining 2 years of the term. At the end of the 2-year term, the position is up for election to a 4-year term.**



2-year terms ensure that the city stays on cycle with half of the council positions up for election to 4-year terms at the general city election in November of each odd-numbered year.

In the November 5, 2019 general city election the only council positions up for election to 2-year terms are those filled by appointment in 2018 or 2019, which have a four-year term of office expiring December 31, 2021.



Mayoral Appointment

Our mayor was appointed since the last election. Is the office up for election this year, and if so, is it for a 2 or 4-year term?



Mayoral Vacancies

Idaho Code 50-608 provides that “When a vacancy occurs in the office of mayor by reason of death, resignation or permanent disability, the city council shall fill the vacancy from within or without the council as may be deemed in the best interests of the city, which appointee shall serve until the next general city election, at which election a mayor shall be elected for the full four (4) year term.”



Mayoral Vacancies Filled by Appointment

If a person has been appointed mayor in 2018 or 2019, the office is up for election at the 2019 general city elections for a 4-year term of office.



Sale of Liquor on Election Day

Can bars sell liquor by the drink on Election Day?

Bars can sell liquor by the drink during city elections unless the city has an ordinance prohibiting the sale of liquor by the drink during city elections.



Can Liquor Stores be Open on Election Day?

State liquor stores and contract liquor stores are allowed to be open and sell package liquor on Election Day.



Canvassing the Vote

Who canvasses the votes from a city election: the city council or the county commissioners?

The county commissioners will canvass the results of all city elections within 10 days after the election.

The canvassed election results must be presented to the city council, formally approved by motion, and reflected in the minutes of a council meeting in late November or December 2019.

The results must be shown by precinct, if the city has multiple precincts.



Area of City Impact Residents

Are residents of the area of city impact allowed to vote in city elections?

No. In order to be a qualified elector to vote in city elections, the person's primary residence must be in the city.



Checking Petition Signatures

Is the city clerk required to check the signatures on a Petition of Candidacy against the signature on the voter registration card?

No. Petition signatures must be verified by the county clerk before the petition is submitted to the city clerk.

The county clerk will attach a certificate to the petition indicating the number of signatures that are of qualified city electors.



Election Dates

When can city bond, levy, and advisory question elections be held?

Under the election consolidation law there are 2 election dates per year:

- **3rd Tuesday in May each year, and**
- **Tuesday following the 1st Monday in November each year.**

Schools have 2 extra dates for bond and levy elections:

- **2nd Tuesday in March, and last Tuesday in August.**



Recall Election Dates

Are there any additional dates for recall elections?

In addition to the May and November dates, the law provides 2 more dates for recall elections:

- **The 2nd Tuesday in March, and**
- **The last Tuesday in August.**



Publication of Notice

Is the city clerk responsible for publishing any legal notices associated with city elections?

The only legal notice the city clerk is required to publish is the notice to potential candidates.

This must be published once as a legal notice in the official city newspaper between 7 and 14 days prior to the candidate filing deadline.

The window for publication is between Friday, August 23 and Friday, August 30, 2019.



The Notice of Candidate Filing Deadline Must Include:

- The name of the city,
- The date of the election,
- The offices up for election,
- That filing forms are available from the city clerk, and
- The filing deadline.



Notice of Candidate Filing Deadline

See Appendix B of the 2019 Election Manual for City Clerks for a model Notice of Candidate Filing Deadline.

The notice of election and sample ballot will be published by the county clerk.



Withdrawal by Candidates

Is there a deadline for candidates to withdraw from the election?

Nominated candidates—those who would be listed on the ballot—have until Friday, September 20 to withdraw from the election by filing a notarized statement of withdrawal with the city clerk.

Declared write-in candidates may withdraw at any time up to the election by filing a notarized statement of withdrawal with the city clerk.

See Appendix G of the 2019 Election Manual for City Clerks for model withdrawal forms.



Campaigning on Election Day

Can candidates campaign on Election Day?

Yes—however, campaigning within or near a polling place on Election Day (known as “electioneering”) is a criminal offense.

On Election Day, campaigning or distributing candidate materials within the polling place or in any building in which an election is being held are prohibited.

Campaigning or distributing candidate materials are also prohibited within 100 feet of a polling place, whether on public or private property. Idaho Code 18-2318

The prohibition on electioneering also applies while voting is occurring at the in-person absentee polling place.



Can Cities Cancel Elections?

If there is only one candidate on the ballot for an office up for election and no declared write-in candidates, must an election for that office still be held?

Yes. Other Idaho local governments operate under provisions of law that allow them to cancel elections under such circumstances.

Idaho law does not permit cities to cancel elections in such a situation.



Councilmember Running for Mayor

A currently serving councilmember wants to run for mayor at this year's election. The councilmember's position is not up for election until November 2021. Must the person resign from their council position to run for mayor?

No, the councilmember is not required to resign from the council to run for mayor.



Running for Multiple Offices

Can a person file more than one Declaration of Candidacy and run for multiple offices at the same election?

No. Idaho Code 50-410 provides that “A person shall not be permitted to file a declaration of candidacy for more than one (1) office in any city election.”





If you have any questions about city elections, please call or email me at the AIC office.

My email address is jruen@idahocities.org

