



Getting Ready: 2019 General City Elections

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Getting Ready for the 2019 City Elections

- **This presentation will cover what city clerks need to know about candidate filing and campaign finance to answer questions about the 2019 general city election.**
- **AIC will prepare and deliver to each city next year manuals on elections and campaign finance.**
- **There will also be training on elections and campaign finance at the 2019 AIC Annual Conference and the 2019 ICCTFOA Institute.**



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.

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



Changing Elected Official Salaries

- **Thursday, August 22, 2019: For cities desiring to change elected officials' salaries, the deadline for publishing an ordinance passed by the Council to change elected official salaries effective January 1, 2020.**
- **Model ordinance included in the 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.**



Notice of Candidate Filing Deadline

- **Must be published as a legal notice in official city newspaper once between August 23 and August 30, 2019 by city clerk.**
- **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 will be provided in Appendix B of the Election Manual for City Clerks.**



Candidate Filing

- Runs from 8 a.m. on Monday, August 26, 2019 to 5 p.m. on Friday, September 6, 2019.
- **Clerks must keep their office open until 5 p.m. on Friday, September 6, 2019.**
- To get their name on the ballot, a candidate must submit a signed Declaration of Candidacy specifying the office and term for which they are running.
- The candidate must also affirm they meet the 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 Election Manual for City Clerks.



**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.



Qualifications to Run for City Office

- **The candidate must meet these requirements to run for city office:**
 - ✓ **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.**



City Clerk is Responsible for Verifying Candidate 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 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.**



Candidate Withdrawal

Monday, Sept. 23, 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.



Write-In Filing Requirements

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 must meet the same qualifications to run as the nominated candidates who are listed on the ballot.



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 Election Manual for City Clerks for a model Declaration of Intent for write-in candidates.



Election Day

Tuesday, November 5, 2019

- **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.**



Post-Election Cleanup

Friday, November 15, 2019: Deadline for county clerk to certify the canvassed official election results to the city.

The canvassed election results must be put on the agenda of a council meeting in late November or December 2019, formally accepted by motion that is reflected in the minutes, and the canvassed election results must be shown in the meeting minutes (by precinct, if the city has multiple precincts).



Basics of Campaign Finance Reporting

Campaign finance disclosure laws apply to elections for mayor and council, and ballot measures (including recall elections) in cities with 5,000 or more population.

The City Clerk is responsible for overseeing Sunshine Law reporting and working with candidates and campaign treasurers.

Currently, 33 cities fall under the Idaho Sunshine Law.



Cities Covered by Idaho Sunshine Law

Ammon

Blackfoot

Boise

Burley

Caldwell

Chubbuck

Coeur d'Alene

Eagle

Emmett

Fruitland

Garden City

Hailey

Hayden

Idaho Falls

Jerome

Kuna

Lewiston

Meridian

Middleton

Moscow

Mountain Home

Nampa

Payette

Pocatello

Post Falls

Preston

Rathdrum

Rexburg

Rupert

Sandpoint

Star

Twin Falls

Weiser



Basics of Campaign Finance Reporting

When a candidate announces their candidacy, starts raising or spending \$, or files to run for office they need to declare their campaign treasurer by filing the C-1 form with city clerk.

C-1 must be filed before raising or spending \$

C-1 filing can happen ANYTIME—you do not have to wait for the candidate filing period in late August/early Sept. to do this



Basics of Campaign Finance Reporting

The campaign is required to report all \$ raised and spent, loans, credit card transactions, and in-kind contributions (goods/services provided for less than fair market value).

Contribution limit to candidates is \$1,000 per election (there's no limit on the candidate's personal contributions or loans to their own campaign, but they must be reported).

Currently, first report is due October 10, 2019.

Any political ads must identify the person/entity responsible for the communications.

Cannot use campaign \$ for personal expenses!



Campaign Finance Interim Committee

A lot of this stuff is up in the air because a legislative interim committee is looking at legislation that would make major changes to campaign finance reporting. It's not clear whether there's momentum to pass a bill in the 2019 legislative session.

Things that could change:

- Eliminate population threshold and require reporting by any city candidate/PAC that raises or spends more than \$500 in an election.
- Putting county clerks in charge of enforcing the law instead of city clerks.
- Reporting for state and local elections will likely happen on a portal through the Idaho Secretary of State's office.
- More frequent reporting during the campaign cycle.





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 councilors 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 Name on Ballot

A candidate signed her name as Mildred C. Fisher on the Declaration of Candidacy, but is known as Catherine Fisher. Can her name appear as Catherine Fisher on the ballot?

No. The name on the ballot must appear exactly as the name is written on the candidate's Declaration of Candidacy.

The city clerk should advise candidates that how their name is written on the declaration is how their name will appear on the ballot.



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 councilor 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 councilor 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 put on the agenda of a council meeting in late November or December 2019, formally accepted by motion that is reflected in the minutes, and the canvassed election results must be shown in the meeting minutes (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.**



Publishing 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 August 23 and August 30, 2019.



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 Monday, September 23 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 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.



Councilor Running for Mayor

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

No, the councilor 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.

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