

This month's Q&A deals with questions concerning the upcoming general city elections on Tuesday, November 8, 2011.

Question: Will AIC provide training and resources to assist cities in preparing for the 2011 general city elections?

Yes. Every city has already been sent the 2011 Election Manual for City Clerks in paper and electronic versions. For cities over 5,000 population which are subject to campaign finance reporting, AIC will provide a Campaign Finance Disclosure Manual that will be done in a few days. AIC will also offer online training on elections and campaign finance disclosure in a few weeks.

Question: Is it true that we are approaching the deadline for cities to change the compensation of the mayor and council?

Yes. Ordinances changing the compensation of elected officials must be passed by the council ***and published*** at least 75 days prior to any general city election. The deadline is Thursday, August 25, 2011. The salary change takes effect January 1 following the election—Idaho Code 50-203.

Question: Now that consolidated elections have been implemented, what are the respective roles of the city clerk and the county in the election process?

The 2011 general city elections will be most cities' first experience with a new consolidated elections regime under which the county clerk is primarily responsible for running local elections.

The city clerk's primary responsibilities will include overseeing candidate filing, forwarding information about candidates and ballot measures to the county clerk's office, and assisting and answering questions from county election staff. A more detailed list of the city clerk's responsibilities is provided below.

- Making the Declaration and Petition of Candidacy, and Declaration of Intent for write-in candidates, available to anyone upon request.
- Publishing a legal notice once in the official city newspaper between 7 and 14 days before the candidate filing deadline informing potential candidates about the filing deadline, the positions up for election and qualifications to run for office.
- Making sure that candidates understand and meet the qualifications to run for office.
- Verifying the information provided by candidates in their filing forms.
- Forwarding the Declarations of Candidacy/Intent to the county clerk as soon as possible.

- Providing withdrawal forms to candidates, accepting the completed forms from candidates, and transmitting these forms to the county elections office.
- Transmitting to the county elections office ballot language for any questions to be included on the ballot, such as recall, initiative/referendum, advisory questions, bonds or levies, etc.
- Ensuring the official vote tally (broken down by precinct, for cities with multiple precincts) is included in the minutes of the council meeting following the canvass of the ballots by the county commissioners.

That is the extent of the city clerk's involvement in the election process. The county clerk's office will handle everything else, including:

- Printing the ballots,
- Overseeing absentee voting,
- Selecting polling places and election staff,
- Running polling places on Election Day, and
- Counting ballots.

The county commissioners will handle canvassing the votes and establishing election precincts.

Question: What do candidates have to do to get their name on the ballot?

To be listed on the ballot, a candidate must submit a Declaration of Candidacy (see Appendix D of the 2011 Election Manual for City Clerks for a model form). The declaration specifies the office for which the candidate is running and affirms that the candidate meets the following legal qualifications to run as of the date their declaration is submitted to the city clerk:

- At least 18 years of age,
- A U.S. citizen,
- The candidate's primary residence must be within the city,
- 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 five qualified city electors (see Appendix E of the 2011 Election Manual for City Clerks for a model form). Before filing the petition with the city clerk, the candidate must take it to the county clerk's office to have the signatures verified. The county clerk will attach a certification indicating the number of signatures that are of qualified city electors;

OR

- A nonrefundable filing fee of \$40—Idaho Code 50-406.

The period for candidates to file to get their name on the ballot begins at 8:00 a.m. on Monday, August 29 and ends at 5:00 p.m. on Friday, September 9, 2011.

Question: Can a candidate sign his or her own Petition of Candidacy?

Yes, candidates may sign their own Petition of Candidacy.

Question: May a person sign petitions for two candidates running for mayor?

Yes, a qualified city elector may sign petitions for as many candidates they desire.

Question: Are term limits in effect for the 2011 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.

Question: A candidate signed her name as Mildred C. Fisher on the Declaration of Candidacy but is known as Catherine Fisher. Can we put her name 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.

Question: What is required for people to run as write-in candidates?

Write-in votes are only counted when cast for individuals who filed a Declaration of Intent with the city clerk at least 28 days prior to the election. The deadline for filing the Declaration of Intent is Tuesday, October 11, 2011. See Appendix F of the 2011 Election Manual for City Clerks for a model Declaration of Intent for write-in candidates.

Candidates are required to certify on their Declaration of Intent that they are qualified to hold the office of mayor or councilmember, meaning they 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 within the city,
- The address of the candidate's voter registration must match the residence address provided on the candidate's Declaration of Intent, and
- The candidate must have resided in the city for at least 30 days prior to submitting their Declaration of Intent.

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.

Question: Are people required to show photo identification in order to vote?

To vote a person must either present photo identification or sign a Personal Identification Affidavit. Acceptable forms of photo ID include:

- An Idaho driver's license or photo Identification Card,
- A U.S. passport or Federal photo Identification Card.
- A tribal photo Identification Card.
- A current student photo Identification Card, issued by an Idaho high school or college.

If a voter is not able to show photo identification, they may vote after signing a Personal Identification Affidavit verifying their name and address—Idaho Code 34-1113 & 34-1114.

Question: How do candidates withdraw from the election?

Candidates must withdraw by submitting a written, notarized form to the city clerk—see Appendix G of the 2011 Election Manual for City Clerks for model withdrawal forms. The deadline for nominated candidates (those who would be listed on the ballot) to withdraw is Friday, September 23, 2011. Write-in candidates may withdraw at any time prior to Election Day.

Question: Can bars sell liquor by the drink on Election Day? Can liquor stores be open on Election Day?

Bars can sell liquor by the drink on Election Day **unless the city has an ordinance prohibiting the sale of liquor by the drink on Election Day**—Idaho Code 23-927.

State liquor stores and contract liquor stores are allowed to be open and sell package liquor on Election Day—Idaho Code 23-307.

Question: If there is only one nominated candidate running for each office and no declared write-in candidates, must candidates still be elected?

Yes. Some other jurisdictions operate under provisions of law that allow them to cancel elections under such circumstances. However, Idaho law does not have a similar provision for cities.

Question: Our county clerk said that the city should not annex in the months leading up to the election. Why is this?

Cities are urged to refrain from annexing property in the period leading up to any city general or special election because of the difficulty it poses for counties in preparing precinct maps and poll books. Any annexations should be completed at least two months prior to the election to ensure adequate time for the county to make the necessary changes.