

Upcoming November Election Questions and Answers as shared by the Association of Idaho Cities:

Frequently Asked Questions About the 2019 City Elections

Posted By **Justin Ruen**, Tuesday, August 13, 2019

This blog post will cover frequently asked questions about the 2019 general city elections, including candidate filing, who can vote in city elections, and other questions.

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No. Idaho's term limits statute was repealed by the 2002 Idaho Legislature.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.

What is required to change the compensation for elected officials?

This must be done by ordinance and the ordinance to change the compensation for elected officials must be passed by the council **and published** at least 75 days prior to any general city election (Thursday, August 22, 2019). The salary change takes effect January 1 following the election—Idaho Code 50-203.

How does a candidate get their name on the ballot?

To get their name on the ballot, a candidate must submit a Declaration of Candidacy specifying the office for which they are running and affirming they meet the following legal qualifications to run as of the date their Declaration of Candidacy 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. 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—Idaho Code 50-406.

What is the period for candidate filing?

For the 2019 general city election, candidates are required to submit their Declarations of Candidacy (with the requisite fee/petition) between Monday, August 26 at 8:00 a.m. and Friday, September 6 at 5:00 p.m.—Idaho Code 50-410.

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—Idaho Code 34-1405A.

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

If a person gets married and moves outside of city limits, but still has rental property in the city, can that person vote in city elections?

No. If a qualified elector moves outside the city with the intention of making the new residence their permanent home, then they are no longer a city resident and cannot vote in city elections—Idaho Code 50-402(d)(4).

Does a person have to be a United States citizen to vote in city elections?

Yes. Every elector who registers is required to swear under oath or affirmation that he/she is a citizen of the United States—Idaho Code 34-411(1)(d).

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

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

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

Yes. The law no longer requires a person to sign only one candidate's petition for each office up for election. Now, a registered city voter is free to sign as many petitions as they want.

Must the city clerk notarize a candidate's declaration and/or petition, or can the candidate have it notarized elsewhere?

Any notary duly authorized by the State of Idaho can notarize a candidate's declaration and petition.

If a candidate misses the deadline for filing a Declaration of Candidacy, can he/she run as a write-in candidate?

Yes. The candidate must file a Declaration of Intent with the city clerk at least 28 days before the election (Tuesday, October 8, 2019)—Idaho Code 50-410 & 34-702A.

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

No. To be a qualified elector and vote in a city election, the person's primary residence must be in the city—Idaho Code 50-402(c).

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

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—Idaho Code 50-410.

What happens in the case of a tie vote?

The city clerk gives notice to the candidates, who must appear before the council at a meeting within six days after the notice is provided. The tie is resolved by the city clerk flipping a coin—Idaho Code 50-413.

Can candidates campaign on Election Day?

Candidates can campaign on Election Day—however, candidates should be aware that 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. ***It is also important to remember that the prohibition on electioneering applies while voting is occurring at the in-person absentee polling place or early voting facility.***