

**CITY OF PRESCOTT**

**2015 ELECTIONS**

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Primary Election  
August 25

General Election  
November 3

**CANDIDATE  
INFORMATION  
PAMPHLET**



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**PREPARED BY THE OFFICE OF THE CITY CLERK**

City of Prescott  
201 South Cortez Street  
Prescott, Arizona 86303  
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Common Municipal Election Terminology

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# *Introduction*

*Welcome to the 2015 City of Prescott Candidate Information Pamphlet.* This pamphlet is an important first step in the election process and was prepared by the City Clerk's Office to provide candidates and committees with information regarding state and city election laws.

While every effort was made to provide a comprehensive overview of the election process for the City of Prescott, this pamphlet is not intended to provide legal advice or to eliminate the need for private legal counsel in answering specific election-related questions. For example, in the event a petition is challenged, it will be the candidate, and not the city, that is required to defend the legal sufficiency of the petition.

The City of Prescott appreciates your interest in the election process. Candidates and political committees should contact the City Clerk's Office with any questions regarding the information contained in this pamphlet. All candidates and political committees are urged to stay in contact with the City Clerk's Office to ensure they are following the most up-to-date regulations.

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**City of Prescott**  
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## *Overview*

In 2015, qualified electors (registered voters) of the City of Prescott will elect a Mayor and three Council Members. Those elected will take office on November 24, 2015.

The Mayor shall be elected for a term of two years. The Council Members shall be elected for a term of four years. There shall be no term limit. The Mayor receives a monthly salary of \$750.00, and each Council Member \$500.00 monthly (Prescott City Charter, Article II, Sections 3, 4, and 8).

The Council shall designate one of its members as mayor pro tempore, who shall serve in such capacity at the pleasure of the Council. The mayor pro tempore shall perform the duties of the Mayor during his absence or disability (Prescott City Charter, Article II, Section 7).

## *Primary Election – Tuesday, August 25, 2015*

The Mayor and Council Members are elected at-large, on a nonpartisan basis. At the primary election, any candidate who shall receive a majority of all the valid ballots cast at such election for that office shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said candidate (Prescott City Charter, Article IX, Section 6).

## *General Election – Tuesday, November 3, 2015*

If at any primary election there be any office or offices to which no candidate therefore was elected, then, said election shall be considered to be a primary election for the nomination of candidates for such office or offices, and a second or general election shall be held to vote for candidates to fill such office or offices. The candidates, not elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election. Candidates who do not qualify in the primary election shall not be eligible to move up and become candidates in the general election in the event a qualifying candidate withdraws for any reason from the general election or is deceased; provided, that if there be any person who under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefore, then all such persons receiving said equal number of votes shall likewise become candidates for such office. A qualifying candidate who elects to withdraw or a representative of a deceased candidate may request to have the candidate's name removed from the ballot provided that the request is made prior to the time required for printing of the ballots. In the event that any withdrawal results in fewer candidates than the number of vacant offices, the council shall appoint the officer(s) to fill the vacant position subsequent to the general election and prior to installation of new council members. (Prescott City Charter, Article IX, Section 7)

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## *Candidate Qualifications*

The Mayor and Councilmen shall be qualified electors of the City one year prior to the primary election and shall hold no other public office for which they receive compensation except that of a notary public or a member of the National Guard, or naval or military reserve, and shall have resided in said city for one (1) year next preceding the date of such election or appointment. If the mayor or councilman shall cease to possess any of these qualifications or shall be convicted of a felony, his office shall immediately become vacant. (Prescott City Charter, Article II, Section 5)

Incumbents eligible to run for the August 2015 Primary:

Mayor

Marlin Kuykendall

Council Members

Charlie Arnold

Chris Kuknyo

Jim Lamerson

A qualified elector must meet the requirements of the Constitution and laws of the State of Arizona for state and county electors. A qualified elector of the City is defined as a person whose name appears on the Yavapai County voter registration rolls in a precinct of the City of Prescott for the last preceding general election, or who has subsequently registered in a Prescott precinct, and is otherwise qualified.

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## ***“Before You Do Anything Else”***

Before you get signatures on petitions, collect contributions or distribute literature, you have to form your political committee:

*CONTACT THE CITY CLERK’S OFFICE FOR USEFUL INFORMATION* such as rules, forms, and deadlines.

### ***File a Statement of Organization with the City Clerk***

- The Statement of Organization must be filed BEFORE the candidate and/or candidate’s campaign committee may accept any contributions, make any expenditures, distribute literature or circulate petitions. This is true for every candidate. (A.R.S. §16-902.01)
- Each political committee shall have a chairman and treasurer. The position of chairman and treasurer of a single political committee may not be held by the same individual, except that a candidate may be chairman and treasurer of his own campaign committee. (A.R.S. §16-902)

The Statement of Organization shall include all of the following (A.R.S. §16-902.01)

- The name, address and type of committee including the designation of the committee as one for the primary or general or both;
- The name, address, relationship and type of any sponsoring organization;
- The names, addresses, telephone numbers, occupations and employers of the chairman and treasurer of the committee. (In the case of a political committee of the candidate alone, the candidate can be both chairman and treasurer);
- In the case of a candidate’s campaign committee, the name, address, and office sought;
- A listing of all banks, safety deposit boxes or other depositories used by the committee. (Before the committee accepts a contribution or makes an expenditure, each committee must designate at least one account at a qualified financial institution. This may be done on the statement of organization or written five business days of opening an account.);
- A statement that the chairman and treasurer have read all of the applicable laws relating to campaign finance and reporting.

A candidate may have only one campaign committee designated for each election. Candidates are required to notify the City Clerk in writing if they want to designate a political committee from a prior City election as their committee for the 2015 Primary Election.

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## *\$500 Threshold Exemption Statement*

- IN LIEU OF a Statement of Organization you can file a \$500 Threshold Exemption Statement which limits you to accepting contributions or making expenditure of \$500 or less, and more than \$250. The \$500 Threshold Exemption Statement must be filed with the City Clerk before you make any expenditures, accept any contributions, distribute any campaign literature or circulate petitions. (A.R.S. §16-902.01)
- Upon filing a \$500 Threshold Exemption Statement, the committee will not be required to file any additional campaign finance reports. The committee is required to keep track of contributions and expenditures in case they go over the limit. If the committee's expenditures or contributions exceed \$500, the committee must file a Statement of Organization within five (5) business days of exceeding the \$500 limit and will be required to file all required campaign finance reports with the City Clerk. (ARS §16-902.01)
- Candidates planning to except or spend less than \$250 are not required to register a committee with the City of Prescott

**NOTE:** There was a change in interpretation of the campaign finance law that affects those candidates filing a \$500 Threshold Exemption Statement, as well as those claiming a \$250 exemption. The exemptions now apply to the combination of the primary and general, not to each election. This means that to qualify for the \$500 threshold exemption you are restricted to spending or receiving contributions of \$500 or less for the total election period and the same applies to those claiming the \$250 exemption. Separate accounting for each election is also not required. If you exceed the \$500 threshold you must file a statement of organization within five (5) business days of exceed the \$500. For those claiming a \$250 exemption, you exceed the \$250 you must file either a \$500 threshold exemption or a statement of organization

## *Amendments to Statement of Organization*

A political committee must file an amended Statement of Organization within (5) business days after any change in the required information.



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## *State Campaign Financing Laws*

All candidates must comply with state laws regarding campaign financing. State laws pertain to the organization of exploratory, candidate and other political committees, mandatory limits on campaign contributions, campaign finance reporting, identification of campaign literature and advertisements and other campaign related matters. Candidates, Treasurers and other interested individuals can review Arizona Revised Statutes, Title 16, Chapter 6, for further information regarding formation of political committees and campaign financing.

Neither the City Clerk nor the City Attorney is able to provide legal advice on election questions to individual candidates. Given the complexity of election laws, particularly campaign finance laws, and the importance of timely compliance, candidates are strongly encouraged to seek the assistance of an attorney or other professionals with knowledge of election laws.

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**CHAPTER ONE**

***NOMINATION  
PROCEDURES***

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## *Nomination Procedures*

In Arizona, persons are nominated to run for office in the primary election by a petition procedure for nomination. The petition process allows any qualified voter the opportunity of seeking public office. The nomination paper is a formal notification to the clerk that the individual intends to seek municipal office. Filing a nomination paper, a political committee statement of organization or \$500 threshold exemption statement and a financial disclosure statement while securing the requisite number of signatures on a nomination petition enable a voter to run as a candidate in the primary election.

A person desiring to run for municipal office must file the requisite document not less than 90 days nor more than 120 days before the primary election date. (ARS §16-311)

### *1. Nomination Petition - Name Printed on Primary Election Ballot*

**File: April 27 through 5:00 p.m. May 27, 2015**

File all of the following with the City Clerk:

- Nomination Petitions (the City Clerk will not accept partial filings, or supplements to petitions already filed);
- Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement;
- Financial Disclosure Statement.

### *Signature Requirements*

The percentage of valid signatures required for nomination petitions must be at least five percent (5%) and not more than ten percent (10%) of the total votes cast for Mayor in the last preceding election at which a Mayor was elected. The total votes cast for Mayor at the August 27, 2013 Primary Election was 12,756. (ARS §16-322A.8, B)

The required number of valid signatures for nomination petitions for the 2015 Primary Election is at least **638** (5%) and not more than **1,276** (10%).

A qualified elector (registered Prescott voter) may sign one nomination petition for each seat or office to be filled. In 2015, three Council seats are to be filled; therefore, an elector may sign up to three nomination petitions for Council (ARS §16-321) and one petition for the office of Mayor.

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## 2. *Write-in Candidates for Primary Election*

A write-in candidate is not required to file nomination petitions; however, a write-in candidate is required to file all other candidate election forms. (A.R.S. §16-312)

### **Filing Deadline for Primary Election: 5:00 p.m. July 16, 2015**

File all of the following with the City Clerk:

- Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement;
- Financial Disclosure Statement;
- A Political Committee Statement of Organization or the \$500 Threshold Exemption Statement (if not previously filed). The \$500 Threshold Exemption Statement is filed in the event the candidate plans on spending between \$250 and \$500, or accepting between \$250 and \$500 in contributions.

A person cannot be a write-in candidate at a primary election if the individual filed a nomination petition for the August 25, 2015, Primary Election and failed to provide a sufficient number of valid petition signatures. (A.R.S. §16-312F.3)

A write-in candidate in the Primary Election must get the number of votes equal to the minimum number of signatures required on nomination petitions for the same office in order to be placed on the General Election ballot.

## 3. *Write-in Candidates for General Election*

An individual may become a write-in candidate for the General Election unless:

- The individual was defeated in the Primary Election; or
- The individual filed nomination petitions for the Primary Election but did not collect a sufficient number of valid petition signatures.

### **Filing Deadline for General Election: 5:00 p.m. September 24, 2015**

File all of the following with the City Clerk:

- Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement;
- Financial Disclosure Statement;
- A Political Committee Statement of Organization or the \$500 Threshold Exemption Statement (if not previously filed). The \$500 Threshold Exemption Statement is filed in the event the candidate plans on spending between \$250 and \$500, or accepting between \$250 and \$500 in contributions.

**WRITE-IN VOTES MAY ONLY BE COUNTED FOR THOSE PERSONS WHO HAVE FILED REQUIRED NOMINATION PAPERS.**

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## *Official Filing of Candidacy*

### **REMEMBER**

A Political Committee Statement of Organization or the \$500 Threshold Exemption Statement must be filed with the City Clerk's Office **PRIOR TO** circulating petitions, receiving or expenditure money, or distributing campaign literature.

The following properly executed forms must be filed with the City Clerk's Office for official filing of your candidacy. All three must be submitted at the same time. The filing period for the required documents is no earlier than 8:00 a.m., Monday, April 27, 2015, and **no later than 5:00 p.m., Wednesday, May 27, 2015** (ARS §16-311)

1. Nonpartisan Nomination Paper  
A completed Nomination Paper includes an Affidavit of Qualification, which must be notarized, and a signed statement that you have read the campaign finance and reporting statutes.
2. Nonpartisan Nomination Petitions  
Containing no less than **638** signatures or more than **1,276** signatures (at least 5% and no more than 10% of the total votes cast for Mayor in the last preceding election at which a mayor was elected - August 2013).
3. Local Public Officers Financial Disclosure Statement  
A completed and notarized Financial Disclosure Statement.

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## *1. Nomination Paper / Affidavit of Qualification / Campaign Finance Laws Statement*

The Nomination Paper provides written notification to the City Clerk of an individual's desire to become a candidate for office. The following information is required on the Nomination Paper. (A.R.S. §16-311)

- Name of the candidate.
- Actual place of residence. If you have a post office address please include that **in addition to** your actual place of residence.
- The office for which the candidate is offering candidacy.
- The exact manner in which a candidate desires to have his/her name printed on the official ballot. This manner is limited to the candidate's surname and given name or names, an abbreviated version of such names, or appropriate initials. Nicknames are permissible, but in no event may nicknames, abbreviated names, or initials of given names, suggest reference to professional, fraternal, religious, or military titles. Candidate's abbreviated names or nicknames may be printed within quotation marks. The candidate's surname must be printed first, followed by the given name or names.
- Date of Primary Election. (August 25, 2015)
- An affidavit containing sufficient information to indicate that, at the time of the election, the candidate will be qualified to hold the office being sought.
- Candidate's acknowledgment of having read all applicable laws relating to campaign finance and reporting.

A Nomination Paper must be filed at the time the candidate's nomination petitions are filed. There is a statement on the bottom of the form indicating: "*I have read all applicable laws relating to campaign financing and reporting.*" The material referred to in this statement (ARS Title 16, Chapter 6) is included in the election packet and is required reading before petition papers are filed.

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## 2. *Nomination Petition*

All candidates must file nomination petitions at the time of filing the nomination paper. A nomination petition is signed by qualified electors and supports the candidacy for nomination of the individual whose name appears at the top of the nomination petition in the certificate portion. (A.R.S. §§16-314, 16-315)

The candidate packet contains a sample nonpartisan nomination petition in English and in Spanish. Filling in the blanks on the petition before copying will make it easier for the candidate.

The earliest date petitions may be filed is 8:00 a.m., Monday, April 27, 2015. The deadline for filing petitions and nominating papers is **5:00 p.m., Wednesday, May 27, 2015**. Before filing your petitions, please call to schedule an appointment with the City Clerk. (ARS § 16-311)

## 3. *Financial Disclosure Statement*

Candidates for elected office must file a Local Public Officers Financial Disclosure Statement with the City Clerk when filing nomination papers. (A.R.S. §38-545)

Any candidate who knowingly files an incomplete or false financial disclosure statement is guilty of a class 1 misdemeanor and is subject to a civil penalty of \$50 for each day that a candidate fails to file the financial disclosure form up to a maximum of \$500. (A.R.S. §38-544)

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## *Circulating Nomination Petitions*

Petition forms are available from the City Clerk, and the requirements that such petitions must meet are set forth in A.R.S. §§16-314, 16-315, and 16-321

### *Petition Circulators*

A petition circulator must be qualified to register to vote in the State of Arizona. A candidate may circulate his or her own petition. Only one person may circulate a petition sheet, and the same person who circulated the sheet must sign the certificate on the back of the petition. (A.R.S. §16-315)

#### **IMPORTANT TO REMEMBER:**

- Each circulator must complete and sign the back of each signature sheet.
- A circulator is not required to be a resident of this state but otherwise must be qualified to register to vote in this state and, if not a resident of this state, shall register as a circulator with the Secretary of State. The procedure for registration of out-of-state circulators is to be specified in the Secretary of State's instructions and procedures manual.
- Circulator's name must be typed or printed under the circulator's signature.
- Circulator's residence address or a description of residence location must be typed or printed on each signature sheet.

### *Petition Signers*

A nomination petition is signed by qualified electors and supports the candidacy for nomination of the individual whose name appears at the top of the nomination petition in the certificate portion. Qualified electors entitled to sign nomination petitions are those who are qualified to vote for the candidate whose nomination petition they are signing and must reside in the electoral district in which the candidate is running.

- A qualified elector shall be at least 18 years of age and properly registered to vote. (A.R.S. §16-121 and A.R.S. §16-101)
- A qualified elector must reside within the corporate limits of the City of Prescott, and be registered to vote. (A.R.S. §9-822)



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- Each signer of a nomination petition shall sign only one petition for the same office unless more than one candidate is to be elected to such office, and in that case not more than the number of nomination petitions equal to the number of candidates to be elected to the office.

### *Signature Withdrawal*

A signature may be withdrawn by the person who signed a nomination petition not later than 5:00 p.m. on the date the petition is filed with the City Clerk.

### *Penalty for Petition Forgery*

All petitions that have been submitted by a candidate who is found guilty of petition forgery must be disqualified, and the candidate is not eligible to seek election to a public office for at least five (5) years. (A.R.S. §16-351F)

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## *PRACTICAL TIPS*

### *Nomination Petitions and Papers*

While every effort was made to provide a comprehensive overview of the election process for the City of Prescott, this pamphlet is NOT intended to provide legal advice or to eliminate the need for private legal counsel in answering specific election-related questions. For example, in the event a nomination petition is challenged, it will be the candidate, and not the city, that is required to defend the legal sufficiency of the nomination petitions and papers.

- Pay attention to the date column of the petition. Signatures with a date that is before the date that the Statement of Organization or \$500 Threshold Exemption Statement was filed, or dates that are incomplete or incorrect may result in the disqualification and removal of the signature.
- Keep in mind that the City Clerk will not accept signatures found in the margins.
- Ensure that each circulator has completed and signed the back of each signature sheet. Errors may result in an entire page of petition signature being disqualified.
- Be sure addresses are complete. Petition signers may use a P.O. Box if there is not actual residence address assigned provided they are still a resident and registered voter of the City.
- DO NOT make corrections to the heading AFTER the petition is circulated. Any discrepancies in this area could result in the candidate losing an entire page of petition signatures.
- PRIOR to filing, review EACH page of the petition as well as all other nomination papers for completeness.
- Be sure to bring the following papers to the City Clerk's office when filing. (The City Clerk will not accept partial filings of nomination petitions and nomination papers.)
  - Nonpartisan Nomination Paper which includes the Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement
  - Nomination Petitions
  - Financial Disclosure Statement
  - Statement of Organization \$500 Threshold Exemption Statement (if applicable and if not previously filed)

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## *What to expect when filing Nomination Petitions and Papers*

- Candidates should plan to spend 20 – 30 minutes in the City Clerk’s office. On the day of the filing deadline, there may be a longer wait, depending on the number of candidates filing at the same time. The City Clerk will process nomination petitions and papers in the order in which they received.
- The City Clerk cannot accept partial filings of nomination papers (i.e. nomination petitions will not be accepted without the Nomination Paper, Financial Disclosure Statement and Statement of Organization or \$500 Threshold Exemption Statement, if applicable). The City Clerk will not accept supplements to nomination petitions.
- After the City Clerk completes the review and determines the number of signature on the nomination petitions, the candidate will be given a receipt.
- All documents filed are Public Record. Copies are available for twenty-five cents per image.

## *Prescott City Charter Requirements Relating to Nomination Petitions*

Based on amendments to the Prescott City Charter in November 2010, the City Clerk shall perform the following ministerial duties when nomination papers and nominating petitions are filed. (Prescott City Charter, Article IX, Section 3)

1. Verify that official candidates are qualified electors of the city for one year prior to the primary election, as required in Article II Section 5 of the Prescott City Charter.
2. Remove signatures of those signers on petitions who list an address outside of the City of Prescott.
3. Remove signatures of those signers that signed before the Statement of Organization or \$500 Threshold Exemption was filed.

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## *Challenging Nomination Petitions*

In the event any challenge is filed, it will be the person who submitted the petition, and not the City, that will be required to defend the legal sufficiency of the petition. It is the duty of the courts and not the City Clerk to determine the legal sufficiency of nomination petitions. The City Clerk need only determine that the nomination petitions substantially comply with the required form and contain the requisite number of signatures. The City Clerk has neither the right nor the duty to determine whether signers of the nominating petitions are qualified electors.

A candidate may also be challenged on grounds relating to qualifications of office.

## *Appeals of Validity of Nomination Petitions*

Any elector filing any court action challenging the nomination of a candidate as provided for in this chapter shall do so no later than 5:00 p.m. of the tenth day, excluding Saturday, Sunday and other legal holidays, after the last day for filing nomination papers and petitions. Any such action must be heard and a decision rendered by the Superior Court within the (10) days after filing the challenge. The Superior Court decision shall be appealable only to the Arizona Supreme Court, and notice of appeal shall be filed within five days after the decision of the Superior Court in the action. All challengers are required to specify in the action the petition number, line number and basis for dispute for each signature in questions. (A.R.S. §16-351)

The City Clerk is statutorily named as a party to the action and automatically receives “service of process” in any action challenging a nomination petition. The City Clerk is the designated agent for the person filing a nomination petition and, therefore, must immediately notify the person of the action.

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**CHAPTER TWO**

**CAMPAIGN FINANCING  
LAWS**

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## *Forming a Campaign Committee*

Candidates who expend or receive contributions of more than \$250 must file a political committee Statement of Organization or a \$500 Threshold Exemption Statement before receiving or expending money, circulating petitions or distributing campaign literature. Candidates must form a single committee for the primary and general election but must account for contributions and expenditures for each election. (A.R.S. §16-902.01)

## *Campaign Finance Laws, Forms, and Reports*

Candidates for City Council must comply with all State campaign finance laws (*ARS Title 16, Chapter 6*). Campaign finance laws are specific and detailed. They establish, among other things, when a candidate is required to form a political committee, how a candidate's committee must be constituted, contribution limits, when campaign finance reports are required and their content. The importance of strict compliance with campaign finance laws cannot be overstated. Timely, accurate compliance with campaign laws is essential to avoid monetary penalties, possible criminal violations and other negative consequences. Failure to comply with campaign finance laws may be the subject of enforcement actions, as well as civil and criminal penalties.

There are a number of campaign finance reports that must be filed with the City Clerk throughout the election period. It is the responsibility of the candidate and/or political committee to ensure all deadlines are met. (ARS § 16-913)

To ensure compliance with all State campaign finance laws, candidates are strongly encouraged to seek the assistance of their attorney and/or other professionals with knowledge of election laws from the beginning of their involvement in the campaign process. City staff will not interpret campaign finance law for candidates. Staff will provide candidates with information needed to complete the required forms.

## *Campaign Expenses*

State law requires candidates to account for all monies or things of value received and expended by item, their campaign committee, exploratory committee or individuals on behalf of a person's candidacy for public office. For a candidate committee, there is a \$250 threshold at or below which registration is not required. State law also provides an alternative for a candidate who makes expenditures or receives contributions of more than \$250 but less than \$500. There are no statutory limits on the dollar amount any candidate can spend during the campaign. Campaign contributions are however, limited pursuant to A.R.S. §16-905 and those limits apply to the primary and general separately.

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## *Duties of the Treasurer*

The duties of the treasurer of a political committee are set forth in A.R.S §16-904. Some of the key duties include the following:

- Authorize (or have a designated agent authorize) any expenditure for or on behalf of the political committee, and any petty cash disbursement.
- Deposit all receipts received by the political committee in a designated account.
- Segregate all monies of the political committee from monies of any individual, and do not commingle them.
- Make (or have a designated agent make) “best efforts” to obtain any missing information for contributions received that are required to be itemized on a campaign finance report.
- Any information required for the identification of a contributor received by the political committee after the contribution has been disclosed on a campaign finance report required pursuant to section 16-913 shall be reported on an amended report.
- Be the custodian of the political committee’s books and accounts, keeping an account of all contributions or other monies received, identification of contributors, all expenditures, and all periodic or other statements for each designated account of the political committee.
- Preserve all records and copies of all finance reports required to be filed for three (3) years after the filing of the finance report covering the receipts and disbursements evidenced by the records.
- On request of the Attorney General, County Attorney, City Attorney, or City Clerk, provide any of the records the treasurer is required to keep.

A person who violates any requirement set forth in A.R.S. §16-904 is subject to a civil penalty imposed as prescribed in A.R.S. §16-924 of three (3) times the amount of money that has been received, expended or promised or three (3) times the value in money for an equivalent of money or other things of value that have been received, expended or promised. Treasurers have personal liability in any case in which a violation occurs. (A.R.S. §16-904K)

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## *Campaign Contribution Limits*

The established limits for campaign contributions to candidates for state and local office are updated in January of every odd numbered year by the Secretary of State. The contribution limits which apply to local elections are different from those which apply to state elections. The use of a candidate's personal monies is not subject to the limitations.

An Attorney General's Opinion was issued on May 7, 1997, which states that a candidate may not accept contributions that exceed the limitations in effect on the date that the contribution is made even if the election is more than two years away and the candidate assumes the limitations will be increased. The limitations set in state law are increased, decreased or kept the same in accordance with the consumer price index and it would be impossible to predict accurately. Therefore a candidate may only accept a contribution that is within the established limitation on the date the contribution is received.

There are mandatory campaign contribution limitations that apply to all candidates. All potential candidates, exploratory committees, political committees and others participating in the City of Prescott 2015 elections must comply with the following limitations on contributions from individuals and political committees.

NOTE: This information will be revised when updated information on campaign contributions to candidates is received from the Secretary of State pursuant to 16-905(H).

**CAMPAIGN CONTRIBUTION LIMITS  
2014 PRIMARY ELECTION  
A.R.S. §16-905 (Revised pursuant to Laws 2013, Chapter 98)**

	<b>Local candidate per election</b>	<b>Legislative candidate per election</b>	<b>Statewide candidate per election</b>
<b>Individual may give</b>	\$2,500	\$2,000	\$2,000
<b>Political Committee may give</b>	\$2,500	\$2,000	\$2,000
<b>Committee certified by the Secretary of State to give at increased limit ("Super PAC") may give</b>	\$5,000	\$4,000	\$4,560



**CAMPAIGN CONTRIBUTION LIMITS**  
**2014 GENERAL ELECTION**  
**A.R.S. §16-905 (Revised pursuant to Laws 2013, Chapter 98)**

	<b>Local candidate per election</b>	<b>Legislative candidate per election</b>	<b>Statewide candidate per election</b>
<b>Individual may give</b>	\$2,500	\$2,000	\$2,000
<b>Political Committee may give</b>	\$2,500	\$2,000	\$2,000
<b>Committee certified by the Secretary of State to give at increased limit (“Super PAC”) may give</b>	\$5,000	\$4,000	\$4,560
<b>Nominee’s may accept a total from political party &amp; all political organizations combined</b>	\$11,390	\$9,112	\$91,040

- A “SuperPAC” political committee is one which has received funds from 500 or more individuals in amounts of \$10 or more in the one (1) year period immediately before the application to the Secretary of State for certification as a qualified committee.
- An individual’s exploratory committee or a candidate’s campaign committee cannot make a loan, transfer, or contribute to any other exploratory or campaign committee except as specified in A.R.S. §16-905F.
- An exploratory committee may transfer monies to a subsequent candidate’s campaign committee of the individual designating the exploratory committee subject to the limits of A.R.S. §16-905.
- A campaign committee may transfer or contribute monies to another campaign committee designated by the same candidate.

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## *Contribution Restrictions*

Candidates and political committees should refer to state provisions for complete statutory information regarding limitations. Following are some examples:

- An individual or political committee may not use economic influence to induce members of an organization to make contributions to a candidate, collect contributions from members or an organization for transmittal to a candidate, make payments to candidates for public appearances or services which are ordinarily uncompensated, or use any similar device to circumvent any of the limitations of A.R.S. §16-905I.8.
- Any person who makes a contribution in the name of another person or who knowingly permits their name to be used to effect such a contribution and any person who knowingly accepts a contribution made by one person in the name of another person is guilty of a class 6 felony.
- If an anonymous contribution is accepted because it is received in a non-returnable form, it must be segregated from other funds and not be spend on the candidate's campaign, these funds must be disposed of pursuant to A.R.S. §16-915.01.
- See A.R.S.§§16-901(14) and 16-917 for information regarding Independent Expenditure.

## *No Activity Statement*

If a political committee receives no contributions and makes no expenditures during a period in which it is required to file a campaign finance report, the committee treasurer or candidate may, in lieu of filing a report, sign and file a Political Committee No Activity Statement. (A.R.S. §16-913D)

## *False Reports and Failure to File Statements*

A political committee failing to file any of the required campaign finance reports is subject to a civil penalty of \$10 for each day the violation continues, up to a total of \$450. If the political committee fails to file a report fifteen days after receipt of written notice from the City Clerk that such report is due, the City Clerk must notify the City Attorney of the committee's failure to file the report, and the committee becomes liable for a civil penalty of \$25 for each subsequent day the filing is late. (A.R.S. §16-913J)

Civil penalties imposed for failure to file timely reports are set by state law and cannot be waived. The City Clerk cannot accept a campaign finance report unless all late penalties owed by the committee are paid.

A candidate who knowingly refuses or fails to file a campaign finance report may not offer himself for nomination or election to any salaried state or local office for a period of five years.

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## *Committee Termination Statement*

A political committee may terminate only when the chairperson and treasurer file a Termination Statement with the City Clerk. The committee must certify under penalty of perjury that it will no longer receive any contributions or make any disbursements, that the committee has no outstanding debts or obligations, and that any surplus monies have been disposed of pursuant to A.R.S. §16-915.01 (A.R.S. §16-914).

The committee must also file a Campaign Finance Report stating the manner of disposition of the surplus, the name and address of each recipient of surplus monies, and date and amount of each disposition of surplus monies.

A committee that has filed a \$500 Threshold Exemption Statement must terminate at the end of the election cycle for which the committee was formed. A committee that fails to file its termination statement within (90) days of the end of the election cycle shall pay a civil penalty of \$100.

After the filing of the above reports, no subsequent reports are necessary, and no further receipts or disbursements may occur without filing a new Statement of Organization.

## *Disposal of Surplus Funds*

A political committee must dispose of surplus monies as follows:

- Retain surplus monies for use in a subsequent election, which includes a transfer by a candidate's campaign committee to that candidate's campaign committee designated for a subsequent election.
- Return surplus monies to the contributor to the extent records are available permitting such return.
- Contribute surplus monies to a state, county, or local committee of a political party.
- Donate the surplus monies to a charitable organization qualified under Section 501(c)(3) of the United States Internal Revenue Code.
- In the case of a political committee other than a candidate's committee, contribute surplus monies to a candidate's campaign committee, if the contribution is within the contribution limits set by law.
- Donate surplus monies to a political committee other than a candidate's campaign committee.
- Dispose of the surplus funds in any lawful manner. The use of surplus monies for the personal use of a candidate or any person related to the candidate by blood or marriage is prohibited.

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## *Practical Tips*

### *Filing Campaign Finance Reports*

- The City Clerk cannot accept electronic filings.
- Contact the City Clerk before submitting a report to discuss any questions.
- Make sure that the signature of the treasurer, or in the absence of the treasurer, the candidate of the political committee are included.
- A “Political Committee No Activity Statement” must be filed when there are not contributions or expenditures during a required reporting period.
- Reports must be filed until a Termination Statement is filed with the City Clerk.
- Make sure reports are filed on time. There are no provisions for exceptions or time extensions and state law requires that penalties be assessed for late filings. This includes reports that are not properly signed.
- Under state law, the committee treasurer must retain a copy of the reports for a period of three (3) years after the date of filing.

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## *Campaign Finance Reporting*

**ALL** candidates and political committees must file Campaign Finance Reports with the City Clerk as required by state law. The only exceptions are for those candidates who filed a \$500 Threshold Exemption Statement or who plan to accept or spend \$250 or less for their campaigns; such candidates are not required to file campaign finance reports. Standing political committees must file campaign finance reports with the Secretary of State. Reports must be filed pursuant to the schedule outlined below until the political committee has filed a termination statement. Committees formed with a \$500 Threshold Exemption Statement are required to terminate within 90 days at the end of the election cycle. The committee treasurer or the candidate (if the treasurer is unavailable) must sign reports and provide certification of the signer under penalty of perjury that report is true and complete. There are penalties for filing incomplete or late campaign finance reports.

Campaign finance reports must be received by the City Clerk by 5:00 p.m. on the following dates:

<b>REPORTING PERIOD</b>	<b>FILING DEADLINE</b>
<b>January 31 Report</b> For Period of November 26, 2013 through December 31, 2014	*February 2, 2015
<b>June 30 Report</b> For Period of January 1, 2015 through May 31, 2015	June 30, 2015
<b>Pre-Primary Election Report</b> For Period of June 1, 2015 through August 13, 2015	August 21, 2015
<b>Post-Primary election Report</b> For Period of August 14, 2015 through September 14, 2015	September 24, 2015
<b>Pre-General Election Report</b> For Period of September 15, 2015 through October 22, 2015	October 30, 2015
<b>Post-General Election Report</b> For Period of October 23, 2015 through November 23, 2015	December 3, 2015
<b>January 31, Report</b> November 24, 2015 through December 31, 2016	January 31, 2017

\*Per A.R.S. § 16-916(D) if the date for filing any Campaign Finance Report is a Saturday, a Sunday or another legal holiday, the filing deadline is the next day that is not a Saturday, a Sunday, or another legal holiday.

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- If a political committee receives no contributions and makes no expenditures during a required reporting period, the committee must file a Political Committee No Activity Statement instead of a report.
  - If a candidate's campaign committee remains active after the election due to outstanding debts, the committee may file a Political Committee No Activity Statement no later than January 31, 2016 stating that the committee does not intend to receive any contributions or make any expenditures during the year. If the committee does receive a contribution or make an expenditure during that year, the committee must file reports as required above.

### *Failure to File*

- A.R.S. §16-918 specifies significant penalties for failure to file the State Campaign Finance Reports and/or false reporting.
- There is a late penalty of ten dollars (\$10) for each business day the report is late up to a maximum of four hundred and fifty dollars (\$450). By law, the City Clerk cannot accept a late report unless any penalties owed are paid when the report is filed.
- If the report is not received by the City Clerk within fifteen (15) days after receiving a notice of delinquency, the committee, candidate or designating individual is liable for a penalty of twenty-five (\$25) for each additional day that the filing is late.
- There is a failure to make and file a report by the treasurer, the chairperson, the designating individual, or the candidate if any of the following occur:
  - the report is not filed in a timely manner; or
  - the report is not properly signed; or
  - a good faith effort is not made to substantially complete the report.
- If a political committee fails to file three consecutive Campaign Finance Reports, the City Clerk shall send the committee chairman and treasurer a written Notice of Intent to Suspend the Political Committee.
- The Notice of Intent to Suspend the Political Committee shall state the failure of the political committee to fully comply with all the filing requirements for that committee, including any required payments, within thirty days of the date of the notice, shall result in suspension of the political committee's to operate in the City of Prescott.
  - The City Clerk is no longer required to provide any further Notice of Delinquency to the political committee.
  - This does not reduce or eliminate the political committee's continuing obligation to make campaign finance filings and pay any fines, penalties, civil penalties or other sanctions that may continue to accrue as otherwise provided by law.

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**CHAPTER THREE**

**CAMPAIGNING**

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# *Identification of Campaign Literature and Advertisements*

## *GENERAL DISCLOSURE REQUIREMENTS*

“Literature of advertisement” is defined as information or materials that are mailed, distributed or placed in some medium of communication for the purpose of influencing the outcome of an election.

Pursuant to A.R.S. §16-912:

- A. A political committee that makes expenditures for campaign literature or advertisements that expressly advocate the election or defeat of any candidate or that make any solicitation of contributions to any political committee shall be registered pursuant to this chapter at the time of distribution, placement or solicitation and shall include on the literature or advertisement the words “paid for by” followed by the name of the committee that appears on its statement of organization or five hundred dollar exemption statement.
- B. If the expenditure for the campaign literature or advertisements by a political committee is an independent expenditure, the political committee, in addition to the disclosures required by subsection A of this section, shall include on the literature or advertisement the names and telephone numbers of the three political committees making the largest contributions to the political committee making the independent expenditure. If an acronym is used to name any political committee outlined in this section, the name of any sponsoring organization of the political committee shall also be printed or spoken. For the purposes of determining the three contributors to be disclosed, only the contributions made during the calendar year in which the independent expenditure is made shall be considered.
- C. Subsection A of this section does not apply to bumper stickers, pins, buttons, pens and similar small items on which the statements required in subsection A of this section cannot be conveniently printed or to signs paid for by a candidate with campaign monies or by a candidate’s campaign committee or to a solicitation of contributions by a separate segregated fund from those persons it may solicit pursuant to A.R.S. §§16-920 and 16-921.
- D. The disclosures required pursuant to this section shall be printed clearly and legibly in a conspicuous manner. The disclosure statement shall include the words “paid for by” followed by the name of the entity making the expenditure and shall state that it is not authorized by any candidate or candidate’s campaign committee. Disclosure statements shall also comply with the following:



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1. If the communication is broadcast on radio, the disclosure shall be spoken at the end of the communication.
  2. For printed material that is delivered or provided by hand or by mail, the disclosure shall be printed clearly and legibly in a conspicuous manner.
  3. If the communication is broadcast on a telecommunications system, the following apply:
    - a. The disclosure shall be both written and spoken at the end of the communication, except that if the written disclosure statement is displayed for at least five seconds of a thirty second communications broadcast or ten seconds of a sixty second communications broadcast, a spoken disclosure statement is not required.
    - b. The written disclosure statement shall be printed in letters that are displayed in a height that is equal to or greater than four per cent of the vertical picture height.
- E. A person who violates this section is subject to a civil penalty of up to three times the cost of producing and distributing the literature or advertisement. This civil penalty shall be imposed as prescribed in A.R.S. §16-924.

## *Deceptive Mailings*

An individual or committee is prohibited from attempting to influence the outcome of an election by delivering or mailing any document that:

- Purports to be authorized, approved, required, sent or reviewed by the state government, a county, city, or town, or any other political subdivision, or
- Falsely simulates a document from any of these governmental entities.

The penalty for deceptive mailings (civil penalty) is equal to twice the total cost of the mailing, or five hundred dollars (\$500), whichever amount is greater.

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## *Political Signs*

In accordance with A.R.S. §16-1019 and the Prescott Land Development Code Section 6.12.5C, the guidelines for campaign signage is as follows:

### Display Period

Political signs may only be placed during the period commencing sixty (60) days before a primary election and ending fifteen (15) days after the general election; except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen (15) days after the primary election

### Sign Size

Campaign signs on private property (get permission first) may not exceed 24 square feet. Campaign signs in the public right-of-way in residential zoning districts may not exceed 16 square feet. Campaign signs in the public right-of-way in commercial zoning districts may not exceed 32 square feet. Signs not installed in compliance with the state statutes and local codes within public right-of-way will be removed by the City and held at the Code Enforcement office for the candidate to pick up.

### Sign Placement

- Political signs may be placed on private property or within the adjacent public right-of-way, provided such placement is done in accordance with the provisions of Arizona State Statutes §16-1019 and City of Prescott Land Development Code Section 6.12.5C.
- Campaign signage may be located in all zoning districts. Signs may be placed on private property and in the public rights-of way. Signs may not be placed in the right-of-way of state highways, state routes or on overpasses within state highway or routes. Signs may not be place in a location hazardous to the public, obstructing clear vision at intersections or driveways, obstructing any public ways or interfering with the requirements of the Americans with Disabilities Act. Signs not installed in compliance with the state statutes and local codes within public right-of way will be removed by the City and held at the Code Enforcement office for the candidate to pick up.
- All signage must contain the name and telephone number of the candidate or campaign committee contact person.

### Signs within Public Rights-of-Way in the City

State law prohibits a city, town, or county from removing, altering, defacing , or covering any political sign if the following conditions are met:

- The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
- The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.

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- The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act.
  - The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
  - The sign contains the name and telephone number of the candidate or campaign committee contact person.

If the city, town, or county deems that the placement of a political sign constitutes an emergency, the city, town, or county may immediately relocate the sign. The city, town, or county must notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign does not meet the criteria listed above and the placement is not deemed to constitute an emergency, the city, town, or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the notification to the candidate or campaign committee, the city, town or county may remove the sign. The city, town, or county shall contact the candidate or the campaign committee and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty. A city, town, or county may prohibit the installation of a sign on any structure owned by the jurisdiction.

A city, town, or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign unless the employee intended to cause injury or was grossly negligent.

These provisions do not apply to commercial tourism, commercial resort, and hotel sign free zones as those zones designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourist. Not more than two zones may be identified within a municipality. (Resolution No. 4141-1301 and Ordinance No. 4839-1302)

These rules apply only during the period commencing sixty days before a primary election and ending fifteen days after the general election, except that for a sign for a candidate in a primary election who does to the general election, the period ends fifteen days after the primary election. State highways or routes, or overpasses over those state highways or routes, are not included in the areas where signs are allowed.



A users guide to Temporary Campaign Signage Located within the City of Prescott

For more information please contact the City of Prescott  
Community Development Department  
928-777-1207  
Or  
Code Enforcement Division  
928-777-1271 or 928-777-1320  
City Hall  
201 S. Cortez Street  
Prescott, AZ 86303

## WHAT YOU SHOULD KNOW

*In accordance with the Prescott Land Development Code Section 6.12.5C and A.R.S. Section 16-1019, the guidelines for campaign signage are as follows:*

**When:** Campaign signage can be placed up to 60 days prior to the Primary Election and all signage must be removed within 15 days after the General Election. For candidates who fail to advance after the Primary, campaign signs must be removed within 15 days after the Primary.

**Where:** Campaign signage may be located in all zoning districts. Signs may be placed on private property and in the public rights-of-way. Signs may not be placed in the right-of-way of state highways, state routes or on overpasses within state highways or routes. Signs may not be placed within any Campaign Sign Free Zone as prescribed by Prescott City Code and designated map. <http://www.cityofprescott.net/documents/index>. Signs may not be placed in a location hazardous to the public, obstructing clear vision at intersections or driveways, obstructing any public ways or interfering with the requirements of the Americans with Disabilities Act. Signs installed in a hazardous location or manner will be removed by the City and held at the Code Enforcement office for the candidate to pick-up.

**Size:** Campaign signs on private property may not exceed 24 square feet. Campaign signs in the public right-of-way in Residential zoning districts may not exceed 16 square feet. Campaign signs in the public right-of-way in Commercial zoning districts may not exceed 32 square feet.

**Identification:** All signage must contain the name and telephone number of the candidate or campaign committee contact person.

Reports of potential code violations of political campaign material shall be processed according to administrative policies and procedures.

Signs installed in a hazardous location or manner will be removed by the City and held at the Code Enforcement office for the candidate to pick-up.

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***ADDITIONAL  
INFORMATION***

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## DATES TO REMEMBER

### 2015 Primary and General Elections

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First Day to Distribute Council Candidate Packets	01/05/2015
Last Day to File January 31 Campaign Finance Report	02/02/2015
First Day to File Nomination Petitions	04/27/2015
Last Day to File Nomination Petitions	05/27/2015
Last Day to File June 30 Campaign Finance Report	06/30/2015
Last Day to File as a Write-in Candidate for Primary Election	07/16/2015
Last Day to Register to Vote in Primary Election	07/27/2015
Blanket Mailing of Mail Ballots for Primary Election (Approx.)	08/03/2015
Last Day to File Pre-Primary Campaign Finance Report	08/21/2015
<b>PRIMARY ELECTION DAY</b> – Ballots Must be Received by 7:00 pm	08/25/2015
Canvass Returns of Primary Election	09/08/2015
Last Day to File as a Write-In Candidate for General Election	09/24/2015
Last Day to File Post-Primary Campaign Finance Report	09/24/2015
Last Day to Register to Vote in the General Election	10/05/2015
Blanket Mailing of Mail Ballots for General Election (Approx.)	10/12/2015
Last Day to File Pre-General Campaign Finance Report	10/30/2015
<b>GENERAL ELECTION DAY</b> – Ballots Must be Received by 7:00 pm	11/03/2015
First Day Council May Canvass Returns of General Election	11/10/2015
Last Day to Canvass Returns of General Election	11/23/2015
Last Day to File Post-General Election Campaign Finance Report	12/03/2015

## **ARTICLE II**

### **THE COUNCIL**

#### **Section 1 - Powers of the Council**

All powers of the city, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who shall enact appropriate legislation and do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

The city shall not bargain collectively with any employee, group of employees, employee organizations, or any representative of any employee organization with respect to wages, hours, or working conditions, and the council shall be the final determinant of all wages, hours, and working conditions of all employees of the city. (Amended December 11, 1979)

#### **Section 2 - Number; selection**

The council shall consist of a mayor and six (6) councilmen elected from the city at large.

#### **Section 3 - Term of Mayor**

The term of office of the mayor shall commence at the conclusion of the second regularly scheduled voting session of the council in November following a primary or general election, and shall be for two (2) years or until his or her successor is elected and qualified. (Amended January 14, 1969; September 21, 1993)

#### **Section 4 - Terms of Councilmen**

The terms of council members shall commence at the conclusion of the second regularly scheduled voting session of the council in November following a primary or general election, and shall be for four (4) years or until their successors are elected and qualified. However, the terms of the present elected council shall not be shortened, and the present incumbents or their duly appointed successors shall serve their elected terms. (Amended January 14, 1969; September 21, 1993)

## **ARTICLE II (Continued):**

### **Section 5 - Qualifications**

The mayor and councilmen shall be qualified electors of the city one year prior to the primary election and shall hold no other public office for which they receive compensation except that of a notary public or a member of the National Guard, or naval or military reserve, and shall have resided in said city for one (1) year next preceding the date of such election or appointment. If the mayor or a councilman shall cease to possess any of these qualifications or shall be convicted of a felony, his office shall immediately become vacant. (Amended January 9, 1979; Amended November 2, 2010)

### **Section 6 - Duties of Mayor**

The mayor shall be the chairman of the council and preside over its deliberations. He may make and second motions and shall have a voice and vote in all its proceedings. He shall be a chief executive of the city government for all purposes and recognized by the governor for purposes of military law and civil defense and shall have executive but no regular administrative duties. (Amended January 14, 1969)

### **Section 7 - Mayor pro tempore**

The council shall designate one of its members as mayor pro tempore, who shall serve in such capacity at the pleasure of the council. The mayor pro tempore shall perform the duties of the mayor during his absence or disability.

### **Section 8 - Stipend of Mayor and Councilmen**

The stipend of the mayor shall be \$750.00 per month, not to exceed \$9,000.00 per year; and the stipend of the council members shall be \$500.00 per month, not to exceed \$6,000.00 per year. These stipends shall take effect on December 1, 1999. (Amended September 20, 1983; September 7, 1999)

### **Section 9 - Council to be judge of qualifications of its members**

The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any case shall be subject to review by the courts.



## **ARTICLE II (Continued):**

### **Section 10 - Induction of Mayor and Council into office**

At the conclusion of the second regularly scheduled voting session of the council in November following a primary or general election, the council shall induct the newly elected mayor and council members, and designate a mayor pro tempore. (Amended December 11, 1979; September 21, 1993)

### **Section 11 - Absence to terminate membership**

If the mayor or any councilman shall be absent from more than two (2) consecutive called meetings without the consent of the council, he shall thereupon cease to hold office. (Amended January 9, 1979)

### **Section 12 - Vacancies in Council and Office of Mayor**

The council, by a majority vote of its remaining members, shall fill the vacancies in its own membership, and in the office of mayor, by either of the following:

- A. Appointment for the unexpired term.
- B. Appointment until the next November when Council members are seated if the vacancy occurs more than thirty days before the nomination petition deadline for the primary election. The nomination process provided by state election law shall be followed by candidates for such vacancy and shall be designated on the primary, and general if necessary, ballot as running for the "short term."

(Amended January 14, 1969; December 11, 1979; September 20, 1983; September 21, 1993; June 7, 2012)

### **Section 13 - Council meetings; open to public**

The council shall meet regularly at such times and at such places as may be prescribed by the rules, but not less frequently than two times each month. All meetings of the council shall be open to the public, except as noticed and held in compliance with State law. (Amended January 9, 1979)

## **ARTICLE II (Continued):**

### **Section 14 - Special meetings**

The mayor may, or at the request of three (3) members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council in accordance with State Statutes. Special meetings of the council may also be held at any time by the common consent of all the members of the council. (Amended November 2, 2010)

### **Section 15 - Rules of procedure; journal**

The council shall determine its own rules and order of business subject to the provisions of this charter. It shall keep a journal of its proceedings and the journal shall be open to public inspection during regular office hours.

### **Section 16 - Quorum; ayes and nays**

A majority of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The vote on any question shall be by ayes and nays and shall be taken simultaneously at the request of any council member and shall be entered in the journal. (Amended December 11, 1979)

### **Section 17 - Failure to vote**

No member of the council present shall be excused from voting except upon matters involving the consideration of his own official conduct or involving a conflict of interest. In all other cases a failure to vote by a present council member shall be entered on the minutes as an affirmative vote. (Amended January 9, 1979; December 11, 1979)

### **Section 18 - Consideration of petitions**

Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.

## **ARTICLE II (Continued):**

### **Section 19 - Interference in administrative service**

Except as otherwise provided in this charter, neither the council nor any of its members shall interfere with the execution by the city manager of his powers and duties, or order, directly or indirectly, the appointment by the city manager of any person to an office or employment or his removal therefrom. Except for purposes of inquiry, the council and its members shall deal with the administrative service under the city manager solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately.

### **Section 20 - Conduct of Council as to powers authorized by charter when no procedure established by state law**

Whenever, by any provisions of this charter, it is prescribed that any power, duty or procedure shall or may be exercised, performed or adopted in the manner established by any law of this state, and there be no procedure established by law therefor, then the council shall by either ordinance or resolution prescribe the procedure. (Amended September 21, 1993)

## **ARTICLE IX**

### **ELECTIONS**

#### **Section 1 - Permitted types of elections**

Elections to be held in the city shall be either primary, general or special.

- (a) Primary elections shall be held for the purposes of making nominations for the general election and electing officers as hereinafter provided, and for such other purposes as the council may prescribe.
- (b) General elections shall be held for the purposes of electing officers of the city and such other purposes as the council may prescribe.
- (c) All other municipal elections that may be held by authority of this charter, or of any law, shall be known as special elections.

#### **Section 2 - Application of state law**

The provisions of the laws of this state relating to and governing the nomination of elective officers and the conduct of elections, and each and every provision of said law, with all amendments thereto shall apply and shall govern the nomination of elective officers and the conduct of elections, except as otherwise provided in this charter. The council shall have the power to make any further and additional provisions relating to the nomination of officers and to the conduct of elections not repugnant nor contrary to the provisions of the laws of this state or the provisions of this charter.

#### **Section 3 - Qualifications of electors; registration; Candidates**

- A. The qualification of electors shall be as required by the constitution and laws of this state for state and county elections. Registration of voters shall be as required by the laws of this state and the register of qualified electors may be compiled from the general county register. (Amended May 18, 1976)
- B. The City Clerk shall perform the following ministerial duties with respect to nomination papers and nominating petitions:

## **ARTICLE IX – Section 3 (Continued):**

1. Verify that official candidates are qualified electors of the city for one year prior to the primary election, as required in Article II Section 5 of the Prescott City Charter.
2. Remove signatures of those signers on petitions who list an address outside of the City of Prescott.
3. Remove signatures of those signers that signed before the Statement of Organization or \$500 Threshold Exemption was filed.

(Amended November 2, 2010)

### **Section 4 - Arrangement of names not to reveal source of candidacy or support of candidates**

The names of the candidates for each office shall be arranged as provided by law and nothing on the ballot shall be indicative of the source of the candidacy or of the support of the candidate.

### **Section 5 - Time of holding primary election**

The primary election shall be held in the fall of every odd-numbered year on dates consistent with those permitted by State law. (Amended May 18, 1976; September 7, 1999; November 2, 2010)

### **Section 6 - Majority to elect in primary**

At the primary election any candidate who shall receive a majority of all the valid ballots cast at such election for that office shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said candidate. (Amended September 20, 1983; November 2, 2010)

### **Section 7 - Nomination for general election**

If at any primary election there be any office or offices to which no candidate therefore was elected, then, said election shall be considered a primary election for the nomination of candidates for such office or offices, and a second or general election shall be held to vote for candidates to fill such office or offices. The candidates, not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so

## **ARTICLE IX – Section 7 (Continued):**

there be, and who received the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election. Candidates who do not qualify in the primary election shall not be eligible to move up and become candidates in the general election in the event a qualifying candidate withdraws for any reason from the general election or is deceased; provided, that if there be any person who under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office. A qualifying candidate who elects to withdraw or a representative of a deceased candidate may request to have the candidate's name removed from the ballot provided that the request is made prior to the time required for printing of the ballots. In the event that any withdrawal results in fewer candidates than the number of vacant offices, the council shall appoint the officer(s) to fill the vacant position subsequent to the general election and prior to installation of new council members. (Amended November 2, 2010)

### **Section 8 - Time of holding general election**

The general election, if necessary, shall be held in November of every odd-numbered year. (Amended December 11, 1979; September 7, 1999)

### **Section 9 - Candidates receiving most votes to be elected**

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at said general election shall be declared elected to such office.

### **Section 10 - Special elections**

The council shall provide the time, manner and means of holding any special election. All special elections shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections.

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# Common Municipal Election Terminology

**Note: This Glossary is intended for general reference only, it is not intended to be a final or legal document. Always check with your attorney and the statutes before making a final decision.**

**\$500 threshold exemption statement** – A statement required to be filed by a candidate and political committees that affirms that the committee intends to receive and/or expend less than \$500.

**All-mail ballot election** - Any election held only by mail.

**Alternative expenditure limit (same as Home Rule Option)** - By voter approval every four years, allows a community to determine locally what its spending limits will be rather than the formula-based limit imposed by the State of Arizona.

**ARS** – Arizona Revised Statutes.

**At-large** – An elected official that is elected by and represents the electors of an entire municipality, rather than a specific district or ward.

**Ballot** - Any material on which votes may be cast for candidates or measures.

**Ballot language** – The written measure, issue or question or names of candidates that appear on the ballot.

**Ballot to be verified** – A ballot that has been completed by a voter that is not listed on the precinct register. A county recorder must verify that the voter is a qualified elector within the precinct before being counted. No longer a term used by the state; ballots to be verified will now be referred to as “provisional ballots”.

**Board worker** – A member of an election board that has received instruction in and has passed a written examination on election law and procedures.

**Bond election** – An election that is required prior to the issue of any municipal bonds. Allows qualified electors of a municipality to authorize issuance of municipal bonds.

**Call of election** - Usually the first formal action taken by Council setting forth the date and reason for an election; and giving the dates for action by the public, for example the dates for filing of specified paperwork and registering to vote.

**Campaign contribution** – Any gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing an election.

**Campaign finance report** - A report required to be filed by candidates running for office listing expenditures and revenues.

**Campaign signs** – Printed material displayed publicly with the purpose of influencing an election.

**Candidate** - A person who is qualified and has filed to run for elected office.

**Candidate committee** – A political committee designated and authorized by a candidate.

**Candidate packet** - All materials required by law that a candidate must file to run for office including:

- Nomination paper
- Nomination petition
- Financial Disclosure Statement
- Statement of Organization as a Political Committee or a
- \$500 Threshold Exemption Statement

**Canvass** – The official results of the election that are maintained as public record of the election. The official canvass must contain specified information under ARS § 16-646.

**Certificate of election** – An official document signed by the city or town clerk that declares that the person receiving the highest number of votes cast is the person chosen to fill that office.

**Certificate of nomination** – A document that is given after the canvass of primary election results to the candidate, or candidates if more than one candidate is necessary, that has received the most votes. The document entitles the candidate to have his or her name placed upon the official ballot at the ensuing election as a nominee for the office.

**Challenge** – The act of questioning whether or not an elector is qualified to vote or sign a petition, or whether a candidate meets the qualifications set forth for office.

**Charter** - A written instrument that creates and defines powers, rights and privileges for a specific jurisdiction.

**Charter city** – A municipality with a population over 3,500 that has adopted a document known as a charter, which is similar to a constitution for a city, that outlines the basic governing procedures for the city. A charter city has more flexibility to delineate governing procedures for the city, rather than relying on the procedures outlined in Arizona law.

**Conflict of interest** – When an issue relating to a person’s or a person’s relatives’ private interests interferes in the course of the person’s professional duty. Arizona requires public officers and employees to declare when a conflict of interest exists. Arizona’s conflict of interest law is located in ARS § 38-501 through 38-511.

**Consolidated election dates** – Dates established by state law on which all elections are required to be held. Elections must occur on one of four dates: the second Tuesday in March; the third Tuesday in May; the eighth Tuesday before the first Tuesday after the first Monday in November; or the first Tuesday after the first Monday in November.

**Constituent** - A person served by an elected official, normally a voter or resident.

**Councilmember-at-large** - A councilmember that is elected by and represents the electors of an entire municipality, rather than a specific district or ward.

**Deadline** – A set time by which something must be done.

**Debt limit** - The maximum amount of debt that a governmental unit may incur under constitutional requirements.

**Disclosure** – The act of making something known to the public. Financial disclosure for elected officials is governed by ARS § 38-541 through 38-545.

**Early ballot** – The ballot used in early voting; required to be identical to the regular official ballot, except that it must be printed or stamped with the word “early.”

**Early voting** - A method by which a voter may cast a ballot other than at the polls on election day, either by mail or dropping off their ballot to a designated location prior to or on election day.

**Election board** – Officials appointed to ensure that all who are entitled to vote are permitted to do so and to prevent those who are not qualified to vote from voting. For municipal elections, election board membership is specified in ARS § 9-825.

**Election district** –The state, any county, city, town, precinct or other political subdivision or a special district which is not a political subdivision, which is authorized by statute to conduct an election and which is authorized or required to conduct its election in accordance with this Title 16.

**Election fraud** – The act of deliberate deception to unlawfully influence the results of an election.

**Election petition** - The documents required by law containing the necessary signatures to place a candidate's name or a measure on the ballot.

**Electioneering** - Any literature or action attempting to win votes in an election.

**Elector** – An individual qualified to vote. Also referred to as a voter.

**Expenditure limitation election** – An election that is required prior to adopting a permanent base adjustment or alternative to the state-imposed expenditure limit also known as the “Home Rule Option”. The alternative expenditure limit, or “Home Rule Option,” must be approved by a majority of qualified electors in a regular election and must be reauthorized every four years. The permanent base adjustment does not need to be reauthorized.

**Exploratory committee** – A political committee formed for the purpose of determining whether an individual will become a candidate or not.

**Form of government** – The way in which a municipality’s governing structure is established. Different forms of government include the mayor-council, weak mayor, strong mayor, commission or council-manager form of government.

**Franchise election** – An election that is required prior to a municipal corporation granting a franchise for a public utility. The franchise must be approved by a majority of the qualified electors voting at the election.

**General election** – An election held on the third Tuesday in May or the first Tuesday after the first Monday in November.

**General law city** – A municipality that has not adopted a city charter and must comply with the general provisions of Arizona law on city and town government and structure.

**Home Rule Option (Same as alternative expenditure limit)** - Allows a community to determine locally (by voter approval every four years) what its spending limit will be rather than using the formula-based limit imposed by the State of Arizona.

**Incumbent** - A person currently holding office.

**Initiative** - The people's right to initiate a measure, issue or question to be voted on by the people. To place an initiative on the ballot, petitions must be filed with a specified number of signatures. Petition signature requirements vary depending on the level of government.

**Initiative election** – The election at which a measure, issue or question placed on the ballot by the electors is decided.

**Majority** - A number greater than one half.

**Nomination paper** – The form filed with the appropriate office (ie. city or town clerk) by a person wishing to declare his or her intent to become a candidate for a particular political office.

**Nomination petition** – The form or forms used for obtaining the required number of signatures of qualified electors which is circulated by or on behalf of the person wishing to become a candidate for a political office.

**Non-partisan** - Representing no political party.

**Notice of election** - A published notice to the voters on date, time, location and purpose of an upcoming election.

**Oath of office** - A sworn declaration to uphold the law. (ARS 38-231).

**Ordinance** - An enforceable municipal law, statute or regulation that applies to all citizens within that municipality; penalty provisions may apply.

**Overlapping term** – A situation when the term of one elected office runs at the same time for part or all of the term of another elected office.

**Partisan** - Supporter of a particular political party.

**Penal provision** – Punishment for breaking a law or ordinance.

**Petition** – A form used to place a candidate, measure, issue or question on a ballot. Must receive the required number of signatures to qualify for the ballot.

**Political committee** – A committee formed to support or oppose any candidate, measure, issue or question.

**Poll** – Where an elector goes to vote.

**Poll list** - A list of persons, numbered in the order they vote. This list indicates the number of persons voting at each precinct

**Polling place** - The designated location within a precinct electors go to vote.

**Post-election** – Period after an election takes place. Provisions of Arizona law govern post-election procedures and requirements.

**Precinct** – A geographically defined voting district established by a county.

**Precinct register** - A list prepared by the County Recorder, of all qualified electors in each precinct for a specific election. Names are in alphabetical order, and information includes party preference, registration date and residential address. Electronic Precinct Registers also include mailing addresses, telephone numbers, birth date, occupation and 4-year voting history. The original copy is signed by the voter when they obtain a ballot and this becomes the signature roster.

**Pre-election** - Period before an election takes place. Provisions of Arizona law govern pre-election procedures and requirements.

**Presidential election** – Election that occurs every four years on the first Tuesday after the first Monday in November to select the President.

**Primary election** – Election held prior to a general election to nominate candidates for office.

**Proposition** - A proposed law, revision or amendment submitted to the voters at an election for approval or rejection.

**Public Officers Financial Disclosure Statement** – A form that all public officers are required to submit annually relating to the employment, business, property and investment interests, debt, gifts and finances of that officer and the officer's household.

**Publicity pamphlet** – Document that is required to be mailed to each household with a registered voter that contains information on each proposed measure or question on the ballot, including financial impacts and arguments for and against.

**Qualified elector** - A person that is properly registered to vote and who is a resident of the designated area (i.e. county, city, town, district, ward or precinct) at a specific time.

**Recall** - Procedure to remove an elected official from office by a vote of the people through an election process before the end of the official's term.

**Recall petition** - The documents required by law containing the necessary signatures to place a recall measure on the ballot.



**Recall election** – The election at which voters decide whether or not to retain an elected official in office before the end of the official’s term.

**Recount** - A superior court ordered action upon governing board certification of facts; usually because of a close election outcome to open the official returns and recount the ballots for a particular contest.

**Referendum** - The right of the people to refer legislation or ordinances passed by an elected body to a vote of the people through an election process for approval or denial. To place a referendum on the ballot, petitions must be filed with a specified number of signatures. Petition signature requirements vary depending on the level of government.

**Referendum election** – The election at which voters are asked to approve or deny legislation or an ordinance that has been passed by an elected body and has been ordered to the ballot by a petition of electors.

**Runoff election** – Another name for a general election.

**Sample ballot** – A ballot that is mailed to each household with a registered voter prior to an election which contains the candidates’ names, measures, questions and propositions as they would appear on the actual ballot. May contain information regarding the voter’s polling place.

**Signature roster** - The original precinct register, signed by the elector.

**Special election** – Election held to fill a vacancy in office or to decide a certain issue and held for only those specific purposes. (Must conform to consolidated elections dates)

**Standing political committee** – A political committee that is active in more than one reporting jurisdiction in the state for more than one year, files a statement of organization, and is any of the following: a separate fund, a political party, a committee organized for the purpose of making independent expenditures or a political organization.

**Statement of organization** – Statement that is required to be filed for each political committee that intends to accept contributions or make expenditures of more than \$500. Must contain information as specified in ARS § 16-902.01.

**Tally** – Any of the following: a total count of the votes for each candidate and for each question, a reckoning of the number of ballots issued to the number of ballots voted and counted, or the method used when counting paper ballots; the mark representing each vote, by a set of four short vertical lines crossed by a diagonal fifth line commonly used for numbering things in fives.

**Tally board** – A board appointed by a county board of supervisors that takes custody of the ballots from the closing of the polls until the tally of the ballots is completed. Membership and duties of the board are described in ARS § 16-531.

**Term** – The amount of time for which a person was elected or appointed to hold office.

**Term limit** – The maximum amount of time for which an officer may serve. Term limits may be imposed by charter or state law. Not available to general law cities or towns.

**Vote by mail** – The process of receiving a ballot in the mail, voting and returning the completed ballot in the mail or returning the completed ballot on election day at a polling place. Can be done by either requesting an early ballot or in an all-mail election.

**Voter** – An individual meeting the qualification to vote. Also referred to as an elector.

**Voter list** – A list prepared by each county recorder using county voter registration rolls for an election conducted under state law by a political subdivision. (ARS 16-172).

**Voter registration form** – A form provided by the Secretary of State used in the registration of electors.

**Write-in candidate** – A candidate whose name does not appear on the ballot but is qualified to have their name written on the ballot by the elector when they vote. Write-in candidates are required to file a nomination paper within fourteen days prior to the election.