

CITY OF KUNA

CITY COUNCIL CANDIDATE INFORMATION



Dear City Council Candidate:

Your interest in serving the citizens of Kuna by submitting your name as a candidate for City Council is to be commended. This handbook has been created by the City Clerk to provide all candidates and the public with a brief overview of matters concerning the election process.

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2009 KUNA ELECTION CALENDAR

Date	Activity	Code Section
Monday, August 24, 8 a.m.	First day for candidates to obtain a Declaration of Candidacy or Petition of Candidacy. The form must be notarized and petition signatures verified by the County Clerk in the manner described in Idaho Code Section 34-1807 <u>before</u> submitting the completed form to the City Clerk.	Idaho Code 50-432
Friday, September 4, 5 p.m.	Last day for candidates to file Declarations of Candidacy. This is the last day for a candidate to correct or amend a petition where signatures do not conform. The form must be notarized.	Idaho Code 50-432
Saturday, September 5	First day political signs may be erected.	Kuna Code 5-10-5F
Wednesday, September 30	Last day for candidates to file Appointment and Certification of Political Treasurer for Candidates and Committees Form C-1	Idaho Code 67-6603(c)(1)
Tuesday, October 5	Last day for ballots to be printed. Absentee voting begins.	Idaho Code 50-439
Friday, October 9	Last day to register to vote before Election Day, when voters can register at the polls.	Idaho Code 34-408
Saturday, October 10 Deadline: 5 p.m.	Pre-General Financial Disclosure Report of Contributions and Expenditures must be filed with the City Clerk. Coverage period begins on the date a political treasurer was certified through the last day of the reporting period in which certification occurred.	Idaho Code 67-6607 & 67-6608
Tuesday, October 20	Last day for write-in candidates to file a Declaration of Intent with the City Clerk.	Idaho Code 34-702A
Tuesday, October 27 Deadline: 5 p.m.	7-day Pre-General Financial Disclosure Report of Contributions and Expenditures (Form C-2) must be filed with the City Clerk. Coverage period begins 10/1 and ends 10/21.	Idaho Code 67-6607 & 67-6608
Tuesday, October 19 – Saturday, October 31, 48-Hour Notice period	Notice of Contribution received over \$1,000 must be filed with City Clerk within 48 hours after receipt.	Idaho Code 67-6607 & 67-6608
Wednesday, October 28, 5 p.m.	Deadline for receipt of requests for mail-in absentee ballot by the City Clerk	Idaho Code 50-443
Thursday, October 29	Deadline for written applications for challengers and watchers. Must be signed by the candidate and filed with the City Clerk. Authorized challengers and watchers must wear visible nametags at the polling place	Idaho Code 50-410

	including their respective titles.	
Tuesday, November 3	ELECTION DAY – POLLS OPEN 8:00 a.m. TO 8:00 p.m.	
Tuesday, November 17	Last day to remove political signs.	Kuna Code 5-10-5F
Thursday, December 3 Deadline: 5 p.m.	30-Day Post-General Financial Disclosure of Contributions and Expenditures covering the period 10/19 through 11/13 must be filed with the City Clerk.	
January 31, 2010	Annual Financial Disclosure Report covering 11/14 through 12/31/2009.	

CITY COUNCIL COMPOSITION, SELECTION AND TERM

The City of Kuna operates under the “Mayor-Council” form of government. The Mayor manages the day-to-day operations of the City and provides leadership and policy direction to the City Council. The Mayor chairs all meetings of the City Council, voting only in the case of a tie. The four members of the City Council work part-time, holding budget and policy-setting authority for the City.

The Mayor and City Council members are elected at large by popular vote.

City elections are held in odd numbered years (e.g., 2005, 2007, 2009) on Tuesday following the first Monday in November, as required by Idaho Code.

At the first meeting of the Council following a General City election, the Council elects one member to serve as President of the Council. The Council President has all the powers of the Mayor when serving in the absence of the Mayor or in the event of a vacancy in the Office of Mayor.

REQUIREMENTS FOR CANDIDATES

Any qualified elector within the City limits of Kuna is eligible to run for City Council provided that he or she obtains the signatures of at least five (5) registered voters on a **Petition of Candidacy**, or in lieu of the petition, upon filing a nonrefundable fee of \$40.

Qualifications of Electors: Every male or female citizen of the United States, eighteen (18) years of over, who has resided in Kuna for thirty (30) days prior to the day of election and is registered to vote, is a qualified elector. The Ada County Registrar-Recorder/County Clerk is the registrar for City elections and conducts voter registration for the City pursuant to the provisions of Idaho Code Section 34-1402.

Candidates must submit a completed Petition of Candidacy or **Declaration of Candidacy** by 5:00 p.m. on Friday, September 4, 2009. Postmarks will not be accepted.

Pursuant to Idaho Code, the City Clerk is charged with certain responsibilities concerning the administration of municipal elections in Kuna. Lynda Burgess is

the City Clerk and she may be reached at (208) 922-5546 or via email at Lynda@cityofkuna.com.

Absent Elector's Ballot

Any registered elector may make written application (see link below for application form) to the City Clerk for an official ballot to be voted at the election. The application must be signed personally by the applicant and, once completed, may be submitted to the City Clerk by mail, fax or in person. The City's mailing address is P.O. Box 13, Kuna, ID 83634 and the fax number is 208-922-5989.

The deadline for receipt by the City Clerk of mail-in absentee ballot applications is 5:00 p.m. on Wednesday, October 28, 2009.

The deadline for receipt by the City Clerk of applications for in-person absentee voting at the absentee voting precinct at City Hall, 763 W. Avalon, is 5:00 p.m. on Monday, November 2, 2009. In-person absentee voting will begin on Tuesday, October 5, 2009.

In case of an emergency on Election Day and an elector is unable to vote at his/her designated polling place, he/she may contact the City Clerk to apply for an absent elector's ballot. No person may, however, be entitled to vote under an emergency situation unless the situation claimed renders him/her physically unable to vote at his/her designated polling place within forty-eight (48) hours prior to the close of polls.

Absentee ballots must be received by the City Clerk by 8:00 p.m. on Election Day, November 3. Ballots received after that time will be treated as spoiled.

Application for Absent Elector's Ballot

CAMPAIGN FINANCE REPORTING FOR CANDIDATES

The "Idaho Sunshine Law", Idaho Code 50-477, provides that campaign disclosure statutes (Idaho Code Title 67, Chapter 66) apply to elections for Mayor and Council and ballot measures in cities with populations over 5,000. The City Clerk is responsible for administering and enforcing the campaign disclosure requirements for Kuna elections.

Campaign Statements are required to be filed by:

Candidate – defined as "an individual who seeks election to City office." An individual becomes a candidate when he/she:

1. Receives contributions or makes expenditures or reserves space or facilities with intent to promote his/her candidacy for office; or
2. Announces publicly or files for City office.

Penalties for Violation: **Idaho Code 67-6625** sets forth the penalties for violation of the Sunshine Law.

The City Clerk is required by the Sunshine Law to inspect each report within two days after filing and must notify any political treasurer who fails to file a report or files a report which does not conform to law. The City Clerk must also notify a political treasurer when a complaint is filed alleging that a report does not conform to law or has not been filed. The City Clerk is required to examine all filed reports within three (3) months after the election to determine whether the reports conform to law and is empowered to require any person to answer in writing and under oath questions concerning the source of any contribution (Idaho Codes 67-6615 and 67-6616).

Certifying a Political Treasurer

All candidates for Mayor and City Council, as well as all political committees formed to support or oppose a candidate or ballot measure must certify a political treasurer.

The treasurer must be certified before an individual becomes a candidate for City office, or prior to the time an organization becomes a political committee. Note: **No contribution shall be received or expenditure made by or on behalf of a candidate or political committee until a political treasurer is certified (Idaho Code 67-6603c).**

Any individual registered to vote in Idaho may serve as a political treasurer and a candidate may serve as his/her own political treasurer. An individual may serve as the political treasurer for more than one candidate or political committee.

The political treasurer is certified when a candidate or political committee chairperson files the Appointment and Certification of Political Treasurer (Form C-1). This form is available on this website or can be requested of the City Clerk. The form must be filed with the City Clerk and must be signed by the candidate or committee chairman and the political treasurer.

Duties of a Political Treasurer:

1. Keep detailed accounts, current within not more than seven (7) days after the date of receiving contributions or making expenditures.
2. Keep a detailed record of accounts for at least one (1) year after the date of the election or filing of the last Campaign Financial Disclosure Report, whichever is later.
3. File the required Campaign Finance Disclosure Reports in a timely manner, reporting all required information.
4. Obtain and report the full name and complete address of any individual or organization which has contributed a total of more than fifty dollars (\$50) in one or more contributions, during the calendar year.
5. Transmit to the State Controller for deposit in the public school fund any anonymous contribution of more than fifty dollars (\$50).
6. For expenditures of twenty-five dollars (\$25) or more, obtain a receipt or canceled check or an accurate copy thereof.
7. Clearly indicate on all public political advertising, the person responsible for such communication (Idaho Code 67-6614A).

Other forms necessary for Campaign Financial Reporting are located below (blank forms can also be obtained from the City Clerk's office):

2008 Campaign Finance Disclosure Manual

Application and Certification of Political Treasurer for Candidates and Committees (C-1)

Campaign Financial Disclosure Report Summary Page (C-2)

Independent Expenditures Totaling More Than \$100 Made in Support of or in Opposition to Any One Candidate, Political Committee or Measure (C-4)

48-Hour Notice of Contributions/Loans Received of One Thousand Dollars (\$1,000.00) or More (C-5)

48-Hour Notice of Independent Expenditures Totaling \$1000 or More Made in Support of or in Opposition to Any One Candidate, Political Committee or Measure (C-7)

Report of Electioneering Communication (C-8)

Kuna Polling Places and Precinct Maps

Precinct 117 – Kuna Seventh-Day Adventist Church, 820 Linder Rd

Precinct 122 – Kuna Rural Fire Protection District, 150 Boise Ave.

Precinct 123 – Kuna Library, 457 N. Locust

Political Sign Regulations – Kuna City Code

Reminder: Idaho Code requires that all public political advertising clearly indicate the person responsible for such communications (Idaho Code 67-6614A).

Kuna City Code Section 5-10-5. Permitted Signs.

F. Political signs, provided such signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right of way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day.

No political sign may endanger public safety or welfare.

Kuna City Code Section 5-10-8. Violations.

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this chapter, the director shall recommend to the Council that action be taken to remedy the violation. Political signs posted in violation of this chapter are subject to removal by the Council five (5) days after written notice of the violation.

Idaho Statutes Title 18, Chapter 23, Crimes and Punishments

TITLE 18, CHAPTER 23, CRIMES AND PUNISHMENTS, ELECTIONS

18-2304. PROCURING ILLEGAL VOTES. Every person who procures, aids, assists, counsels or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, is guilty of a misdemeanor.

18-2305. INTIMIDATION, CORRUPTION AND FRAUDS. Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly attempts to influence any elector in giving his vote, or to deter him from giving the same, or attempts by any means whatever, to awe, restrain, hinder or disturb any elector in the free exercise of the right of suffrage, or furnishes any elector wishing to vote, who can not read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon different from the name which is written or printed thereon, or defrauds any elector at any such election, by deceiving and causing such elector to vote for a different person, for any office, than he intended or desired to vote for; or who, being officer, judge, or clerk of any election, while acting as such, induces, or attempts to induce, any elector, either by menace or reward, or promise thereof, to vote differently from what such elector intended or desired to vote, is guilty of a misdemeanor.

18-2306. ILLEGAL VOTING OR INTERFERENCE WITH ELECTION. Every person not entitled to vote, who fraudulently votes, and every person who votes more than once at any one election, or knowingly hands in two (2) or more tickets folded together, or changes any ballot after the same has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or willfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, is guilty of a felony.

18-2307 ATTEMPTING TO VOTE WHEN NOT QUALIFIED, OR TO REPEAT VOTING. Every person not entitled to vote, who fraudulently attempts to vote, or who, after being entitled to vote, attempts to vote more than once at any election, is guilty of a misdemeanor.

18-2313. RIOTOUS CONDUCT AND INTERFERENCE WITH ELECTION. Any person who willfully disturbs, or is guilty of any riotous conduct at or near, any election place or voting precinct, with intent to disturb the same, or interferes with the access of the electors to the polling place, or in any manner, with the free exercise of the election franchise of the voters, or any voter there assembled, or disturbs or interferes with the canvassing of the votes, or with the making of the returns, is guilty of a misdemeanor.

18-2314. BETTING ON ELECTIONS. Every person who makes, offers, or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

18-2315. ELECTION OFFENSES NOT OTHERWISE PROVIDED FOR. Every person who willfully violates any of the provisions of the laws of this state relating to elections is, unless a different punishment for such violation is prescribed by law, punishable by fine not exceeding \$1,000, or by imprisonment in the state prison not exceeding five (5) years, or by both.

18-2316. TAMPERING WITH CERTIFICATES OF NOMINATION OR BALLOTS. No person shall falsely make, or make oath to, or fraudulently deface, or fraudulently destroy, any certificate of nomination, or any part thereof, or file, or receive for filing, any certificate of nomination, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination which has been duly filed, or any part thereof, or willfully delay the delivery of any ballots, or forge or falsely make the official endorsement on the ballot, or willfully destroy any ballot. Every person violating any of the provisions of this section shall be deemed guilty of a felony, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by imprisonment in the penitentiary for a period of not less than one (1) year nor more than five (5) years.

18-2318. ELECTIONEERING AT POLLS.

(1) On the day of any primary, general or special election, no person may, within a polling place, or any building in which an election is being held, or within one hundred (100) feet thereof:

- (a) Do any electioneering;
- (b) Circulate cards or handbills of any kind;
- (c) Solicit signatures to any kind of petition; or
- (d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place.

(2) No person may obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

(3) Any election officer, sheriff, constable or other peace officer is hereby authorized, and it is hereby made the duty of such officer to arrest any person violating the provisions of subsections (1) and (2) of this section, and such

offender shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor exceeding one thousand dollars (\$1,000).

18-2319. ATTEMPT TO INFLUENCE VOTES. No person shall attempt to influence the vote of any elector by means of a promise or a favor, or by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or discharging from employment, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him, or by any other means.

18-2320. BRIBERY OF ELECTORS. No person shall in any way offer a bribe to an elector to influence his vote.

18-2323. PLACING PLACARDS IN BOOTHS. Any person or officer of election who shall put, or permit to be put, into a voting booth, any placard, notice or device, except the sample ballots and cards of instruction as by law provided, intended or likely to call the attention of the voter to any candidate, or to urge the voter to vote for any particular candidate, or shall put, or allow anything to be put, into such booths for the use or comfort of the voter whereby the claims of any candidate are urged upon the voter, either directly or indirectly, shall be imprisoned in the county jail not to exceed three (3) months, or fined not to exceed \$500.00, or both.

18-7029. PLACING POSTERS OR PROMOTIONAL MATERIAL ON PUBLIC OR PRIVATE PROPERTY WITHOUT PERMISSION. It shall be unlawful for any person to erect, install, attach or paint, or cause to be erected, installed, attached or painted, election posters or signs upon public or private property, real or personal, in the state of Idaho, without permission from the owner or occupant of such property, and it shall be unlawful for any person to place or leave any literature or other political, promotional or sales materials upon public or private property, real or personal, in the state of Idaho when the owner or occupant of such property, by a sign conspicuously posted on the property, or by other written or audio communication to such person, has forbidden the placing or leaving of literature or other political, promotional or sales material upon that property. Provided, however, that the granting of such permission by any public utility company on behalf of any candidate for public office shall constitute the granting of like permission by such public utility company to all other candidates for the same public office. Any violation of this section shall be a misdemeanor.