



**2013 CITY OF
PRESCOTT CANDIDATE
MANUAL**

**City Clerk's Office
City of Prescott
201 S. Cortez St.
Prescott, AZ 86302**

**Lynn Mulhall, City Clerk
928.777.1272**

**Kim Webb, Deputy City Clerk
928.777.1313**

Introduction

The City of Prescott Election Handbook provides basic election information to persons interested in running for City Council. The next City of Prescott primary election will be held on August 27, 2013, with the election of a mayor for a two-year term and three council members to four-year terms on the ballot. The mayor and council members are elected at-large, on a nonpartisan basis. To be elected at the primary, a candidate must receive a majority of the votes cast.

The City Clerk's office provides general information to assist all candidates. Individual candidates are ultimately responsible for compliance with election laws.

Every effort will be made to provide you with materials that are current. However, State statutes are subject to constant change and interpretation, and 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 from the beginning of their involvement in the campaign process.

The City of Prescott appreciates your interest in our election process and welcomes suggestions regarding additional information that would be of assistance to you. Please contact the Prescott City Clerk's office if you have questions.

Sincerely,

Lynn J. Mulhall, MMC
City Clerk
City of Prescott
201 S. Cortez St.
Prescott, AZ 86302
928.777.1272
lynn.mulhall@prescott-az.gov

2013 PRIMARY ELECTION - TUESDAY, August 27, 2013

2013 GENERAL ELECTION - TUESDAY, November 5, 2013

General information

The Mayor shall be elected for a term of two years. This shall not preclude a person from completing the unexpired remainder of a term of their predecessor. There shall be no term limit. (Prescott City Charter, Article II, Section 3. And 4.)

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.)

The Mayor receives a monthly salary of \$750.00 and each Council member \$500.00 monthly (per Resolution 3169, adopted by Council on May 11, 1999 and approved by the voters on September 7, 1999).

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.)

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)

QUALIFICATIONS FOR MAYOR - COUNCIL MEMBER

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 2013 Primary:

Mayor
Mayor Kuykendall

Council Members:
Alan Carlow
Steve Blair
Len Scamardo

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.

REQUIRED PAPERWORK

Unless you intend to spend and receive contributions of \$250 or less as a candidate, you must file a **Statement of Organization for Political Committees**; or if you do not anticipate contributions or expenditures to exceed \$500 you may file a **\$500 Threshold Exemption Statement**. Unless the \$250 exemption applies to you, **one of these must be filed before circulating petitions. (For additional requirements and restrictions refer to A.R.S. § 16.903)**

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.

Fillable candidate and campaign finance forms are available on the City of Prescott website at: **Political Committee Forms**. Some completed forms will be posted to the City of Prescott website as required by law.

CITY OF PRESCOTT

August 27, 2013 Primary Election
November 5, 2013 General Election (if necessary)

CANDIDATE INITIAL RECEIPT

Unless you intend to spend and receive contributions of \$250 or less as a candidate, you must file a Statement of Organization for Political Committees; or if you do not anticipate contributions or expenditures to exceed \$500 you may file a \$500 Threshold Exemption Statement. Unless the \$250 exemption applies to you, one of these must be filed before circulating petitions. (For additional requirements and restrictions refer to A.R.S. § 16.903.

INITIAL REQUIRED FILING FOR CANDIDACY (ARS §16-311):

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 29, 2013, and *no later than 5:00 p.m., Wednesday, May 29, 2013:*

- Petitions containing no less than 610 signatures or more than 1220 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 2011). Refer to A.R.S. § 16-321 for completion of petitions.
- A completed and notarized Local Public Officer's Financial Disclosure Statement.
- 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).

If you have questions, please call: Lynn Mulhall, MMC
City Clerk
928.777.1272

THIS INFORMATION IS BEING PROVIDED TO ASSIST YOU IN PREPARING YOUR CANDIDATE PAPERS. WHILE WE HAVE PROVIDED YOU WITH THE MOST CURRENT INFORMATION, STATE STATUTES AND ELECTION CASES ARE SUBJECT TO CONSTANT CHANGE AND INTERPRETATION.

WE RECOMMEND THAT YOU REVIEW THEM WITH YOUR ATTORNEY TO ENSURE COMPLIANCE WITH CURRENT LEGAL REQUIREMENTS. IT IS NOT APPROPRIATE FOR CITY STAFF TO GIVE LEGAL ADVICE TO CANDIDATES FOR OFFICE. PLEASE TAKE TIME TO THOROUGHLY REVIEW THESE ELECTION MATERIALS AND COMPLY WITH ALL CURRENT STATUTES.

CANDIDATE CHECKLIST:

1. City of Prescott Candidate Election Manual
2. Political Committee Statement of Organization; or, if you do not anticipate contributions or expenditures to exceed \$500 you may file the enclosed \$500 Threshold Exemption Statement

2. A. One of the above forms must be filed with the City Clerk's Office **PRIOR TO** circulating petitions, receiving or expenditure money, or distributing campaign literature.

3. Nonpartisan Nomination Paper, Affidavit of Qualification, and Campaign Finance Laws Statement.
4. Nonpartisan Nomination Petitions
5. Local Public Officer's Financial Disclosure Statement Form
6. Campaign Finance Report Form
7. Political Committee No Activity Report Form
8. Political Committee Termination Statement
9. Instructions for Financial Disclosure
10. Campaign Finance Report Handbook of Instructions

CANDIDATE FILING FORMS AND HANDBOOKS AND OTHER MISC INFORMATION:

1. Political Committee Statement of Organization
2. \$500 Threshold Statement
3. Nonpartisan Nomination Paper and Affidavit of Qualification
4. Petitions – English and Spanish
5. Local Financial Disclosure Statement in English and Spanish
6. Campaign Finance Report Cover Sheets
7. Campaign Finance Report Forms
8. Political Committee No Activity Statement
9. Political Committee Termination Statement

Fill-able forms are available on the City of Prescott website:
[Election Forms and Publications](#)

Candidate Packets

Please call to schedule an appointment to review the Candidate Packet.

Each candidate packet contains the required forms for filing nomination petitions, a Political Committee Statement of Organization form, a \$500 Threshold Exemption Statement form, a copy of campaign finance laws and related forms, and a copy of the City Charter. Fill-able forms are also available on the City of Prescott website: [Election Forms and Publications](#)

Political Committee Statement of Organization

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.

NOTE (New Law): Unless you intend to spend and receive contributions of \$250 or less as a candidate, you must file a Statement of Organization for Political Committees; or, if you do not anticipate contributions or expenditures to exceed \$500 you may file a \$500 Threshold Exemption Statement. Unless the \$250 exemption applies to you, one of these must be filed *BEFORE* circulating petitions. (For additional requirements and restrictions refer to A.R.S. § 16.903.

A political committee can be a “committee” of one person, in addition to a candidate. Committee members include any family member, who intends to assist the candidate.

\$500 Threshold Exemption Statement (ARS § 16-902.01)

If a political committee, including a candidate’s committee, does not anticipate spending or collecting \$500 during the election period, a \$500 Threshold Exemption Statement may be filed in lieu of a Statement of Organization. Upon filing an exemption statement, the committee will not be required to file any additional campaign finance reports. Legislation¹ adopted in 2010 requires the committee 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 business days of exceeding the \$500 limit and will be required to file all required campaign finance reports with the City Clerk. Completed forms will be posted on the City of Prescott website.

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 2013 Primary Election.

¹ SB 1393

Filing Deadline

To become an official candidate for the office of Councilmember in the 2013 Primary Election, the following forms must be filed with the City Clerk no sooner than 8:00 a.m., Wednesday, April 29, 2013, and no later than 5:00 p.m., Monday, May 29, 2013 (ARS § 16-311):

- Nomination Petitions containing at least 610 but not more than 1,220 valid signatures (ARS § 16-322)
- Nomination Paper/Affidavit of Qualification/Campaign Finance Laws Statement
- Financial Disclosure Statement

Candidate Checklist

The Candidate Packet Receipt acknowledges receipt of all campaign materials and must be completed when a candidate or candidate's representative picks up an election packet.

The Candidate Checklist identifies the documents and forms that must be properly executed and filed with the City Clerk's Office by the filing deadline (5:00 p.m., Monday, May 29, 2013) to become a candidate and have your name printed on the official ballot.

A completed candidate's Financial Disclosure Statement must be filed at the time nomination petitions and papers are filed with the City Clerk (SRC 2-77; ARS § 16-311).

Nomination Paper/Affidavit of Qualification

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:

1. Name of the candidate.
2. Actual place of residence. If you have a post office address please include that **in addition to** your actual place of residence.
3. The office for which the candidate is offering candidacy.
4. 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.

5. Date of Primary Election. (August 27, 2013)
6. 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.
7. 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. [Nomination Paper](#)

Nomination petitions (Nonpartisan-not representing a political party) (ARS § 16-311)

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. If you are unable to print your own petitions, blank petitions may be obtained by contacting the City Clerk's office during regular business hours.

The earliest date petitions may be filed is 8:00 a.m., Wednesday, April 29, 2013. The deadline for filing petitions and nominating papers is **5:00 p.m., Monday, May 29, 2013**. Please call to schedule an appointment with the City Clerk.

[Nomination Petitions](#)

Percentage of Signatures Required (ARS § 16-322) A.8, B.)

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 30, 2011** Primary Election was 12,201. The required number of valid signatures for nomination petitions for the 2013 Primary Election is at least 610 (5%) and not more than 1,220 (10%).

A qualified elector (registered Prescott voter) may sign one nomination petition for each seat or office to be filled. In 2013, 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.

Petition Circulators (ARS § 16-321)

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.

IMPORTANT TO REMEMBER:

1. All petitions must be signed by circulators.
2. 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.)
3. Circulator's name must be typed or printed under the circulator's signature.
4. Circulator's residence address or a description of residence location.

PACKET SUBMITTAL PROCESS

Based on amendments to the Prescott City Charter in November 2010, the following steps will be followed by the City Clerk's Office when candidate packets are filed:

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.

QUALIFIED ELECTOR

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

QUALIFICATIONS TO REGISTER (ARS § 16-101)

(Must possess all of the following qualifications.)

- A. Every resident of the state is qualified to register to vote if he:
 - 1. Is a citizen of the United States of America.
 - 2. Will be eighteen years of age or more on or before the date of the regular general election next following his registration.
 - 3. Will have been a resident of the state twenty-nine days immediately preceding the next general election, except as provided in section ARS §16-126-A.
 - 4. Is able to write his name or make his mark, unless prevented from so doing by physical disability.
 - 5. Has not been convicted of treason or a felony, unless restored to civil rights.
 - 6. Has not been adjudicated an incapacitated person as defined in section ARS §14-5101- any person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.
- B. For purposes of this title, "resident" means an individual who has actual physical presence in this state, or for purposes of a political subdivision actual physical presence in the political subdivision, combined with intent to remain. A temporary absence does not result in a loss of residence if the individual has intent to return following his absence. An individual has only one residence for purposes of this title.

CAMPAIGNING

PROMOTIONAL MATERIAL

A political committee that makes expenditures for campaign literature or advertisements expressly advocating the election or defeat of any candidate, or that makes any solicitation of contributions to any political committee, must be registered when it distributes or places literature or advertisements or when it solicits contributions. With a few exceptions that are noted below, all campaign literature or advertisements must disclose who has paid for the literature or advertisement by containing the words “paid for by” followed by the name of the committee that appears on its Statement of Organization or \$500 Threshold Exemption Statement (ARS § 16-912).

If the literature or advertisement has been authorized or paid for by the candidate, candidate’s committee, or an agent of either of them, it must be noted on the documents. If not authorized or paid for by the candidate or candidate’s committee, then the name of the committee that paid for the ad and the name, address and phone number of the chairman of that committee must be included, plus a notation that the literature is not authorized by the candidate or committee (ARS § 16-912).

This disclosure requirement exempts bumper stickers, pins, pens, campaign buttons or similar small items, as well as 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 ARS §§ 16-920, 921.

If the expenditure for the literature or advertisements is an independent expenditure, the political committee, in addition to the disclosures required above, must include on the literature or advertisement the names and telephone numbers of the three political committees making the largest contributions to the committee making the independent expenditure. If an acronym is used to name any political committee, the name of any sponsoring organization of the committee must also be printed or spoken (ARS § 16-912).

A political committee that makes independent expenditures for literature or an advertisement relating to any one candidate or office within ten days of the election, must send by certified mail a copy of the literature or advertisement to each candidate named or otherwise referred to in the literature or advertisement twenty-four hours before depositing it at the post office for mailing, or twenty-four hours before submitting it to a telecommunications system for broadcast or twenty-four hours before submitting it to a newspaper for printing (ARS § 16-917).

Persons who violate the laws pertaining to campaign literature and advertisements are subject to a civil penalty of up to three times the cost of producing and distributing the literature or advertisement.

Political Signs

1. 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 (A.R.S. 16-1019).

2. 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.*

3. Sign Placement.

- a. 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 Section 16-1019 and City of Prescott Land Development Code Section 6.12.5C
- b. 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 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 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.*
- c. All signage must contain the name and telephone number of the candidate or campaign committee contact person.

****New Legislation Enacted in 2012:**

Signs Within Public Rights-of-Way in the City - Political Signs ²

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

² A.R.S. § 16-1019 (B) - (1).

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
3. 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 (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
5. The sign contains the name and telephone number of the candidate or campaign committee contact person.1 A.R.S. § 16-1019 (B) - (I).

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 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 are 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 tourists. Not more than two zones may be identified within a municipality. **Please read attached City of Prescott Resolution No. 4141-1301 and Ordinance No. 4839-1302**

These new 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 not advance 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.

Per City of Prescott Land Development Ordinance:

Please see the attached information to determine the exact rights-of-way for individual streets within the City.

Political signs may be placed on private property with the permission of the property owner. If someone is unsure of whether the sign is located on private property, it is always advisable to ask permission of the adjacent property owner.

HOA Political Signs - HB 2471 (2012) Amends § 33-1261 and 33-1808 to:

Extend the time period before an election during which Home Owners' Associations are required to allow residents to display political signs to seventy-one days before and three days after the election; and expand the area in which Home Owners' Associations are required to allow residents to display political signs to nine square feet.

75 Foot Limit at Polling Locations:

A person shall not be allowed to remain inside the seventy-five foot limit while the polls are open, except for the purpose of voting, and except the election officials, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the seventy-five foot limit. A person violating any provision of this notice is guilty of a class 2 misdemeanor. (A.R.S. §16-515)³

Limite De 75 Pies Aviso:

No se le permitirá a ninguna persona permanecer dentro del límite de 75 pies mientras esté abierto el lugar donde se celebran las elecciones, excepto para los votantes que vayan a votar, los funcionarios encargados de las elecciones, y los contrincantes autorizados por la ley. Los votantes, después de haber votado se retirarán inmediatamente fuera del límite de los setenta y cinco pies. Cualquier persona que viole esta orden será culpable de un delito de segunda clase.

³ HB 2722 (2012) Rredefines Electioneering to mean instances in which "an individual knowingly, intentionally, by verbal expression and in order to induce or compel another person to vote in a particular manor, or refrain from voting, expresses support for or in opposition to a candidate who appears on the ballot in that election, a ballot question that appears on the ballot in that election, or a political party with one or more candidates who appear on the ballot in that election".

Campaign Finance

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.

CAMPAIGN FINANCE LAWS, FORMS AND REPORTS

The Candidate Packet contains:

1. *Title 16, Chapter 6, Campaign Contributions and Expenses*;
2. A copy of the 2013-2014 Election Cycle Campaign Contribution Limits; and
3. Electronic copies of required campaign finance forms, along with an instruction manual for completing the forms. *Fill-able forms are available on the City of Prescott website and hard copy forms are also available from the City Clerk.

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.

FORMS AND REPORTS

Unless you intend to spend and receive contributions of \$250 or less as a candidate, you must file a Statement of Organization for Political Committees; or if you do not anticipate contributions or expenditures to exceed \$500 you may file a \$500 Threshold Exemption Statement. Unless the \$250 exemption applies to you, one of these must be filed before circulating petitions. (For additional requirements and restrictions refer to A.R.S. § 16.903.

NOTE: All candidates must file either a political committee Statement of Organization or a \$500 Threshold Exemption Statement BEFORE circulating petitions, receiving or expending money, or distributing campaign literature.

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. Electronic copies of Political Committee Campaign Finance Report forms are included in the Candidate Packet. Additional copies are available from the City Clerk's Office. **Campaign Finance Reports (ARS § 16-**

913) Completed forms will be posted on the City of Prescott website.

NAME OF REPORT	TIME PERIOD COVERED IN REPORT	REPORT DUE BETWEEN
January 31 Report	Jan. 1, 2013 – May 31, 2013	June 1, 2013-June 30, 2013
Pre-Primary Report	Jun 1, 2013 thru August 15, 2013	Aug. 15, 2013-Aug 23, 2013
Post-Primary Report	Aug 16, 2013 thru Sept 15, 2012	Sept 16, 2013-Sept 26, 2013
Pre-General Report	Sept 16, 2013 thru Oct 16, 2012	Oct 17, 2013-Nov 1, 2013
Post-General Report	Oct 17, 2013 thru Nov. 24, 2013	Nov 25, 2013-Dec 5, 2013

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. One copy of the form is included in the election packet and may be photocopied if an additional quantity is needed.

CAMPAIGN CONTRIBUTION LIMITS (ARS § 16-905)

Campaign contribution limits are listed on the revised March 3, 2011 Contribution Limits Chart (adjusted March 3, 2011 Pursuant to A.R.S. 16-905 (H), which is included in the Candidate Packet. In summary, the limits are:

1. \$430 from an individual or a single political committee, excluding a political party. (see 16-905G)
2. \$2,170 from a political committee certified by the Secretary of State to be a “Super PAC.”
3. \$10,880 from all political committees combined other than political parties.
4. \$10,880 from political party and all political organizations combined.
5. \$6,100 in a calendar year - total contributed by an individual to candidates and committees who give to candidates.

Personal monies notification limits A.R.S. §16-905(F)&(G) are no longer included in this document in light of the Supreme Courts decision in Davis v. FEC., 128 S Ct. 2759 (2008)

The Campaign Contribution Limits Chart contains additional information and regulations regarding campaign finance. Refer to this document for a comprehensive list of expenditure limitations. These forms are updated biannually by the Secretary of State’s Office and new limits will be provided after January 31, 2013, to all candidates.

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.

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.

Write-In Candidates

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. To qualify as a write-in candidate, a Nomination Paper **must be filed with the City Clerk's Office by 5:00 P.M., 40 days prior to the election (July 18, 2013 for the Primary and September 26, 2013 for the General)**. The following information is required on the Nomination Paper:

1. Actual place of residence. If you have a post office address please include that in addition to your actual place of residence.
2. Length of residence in the state.
3. Age.
4. Date of birth.
5. Signature of candidate.

A person cannot be a write-in candidate at a general election if he or she ran in the immediately preceding primary election and failed to be nominated to the office sought in the current election, with one exception: When a candidate who is scheduled to appear on the general election ballot dies, withdraws, or is disqualified, a candidate who ran for the same office in the immediately preceding primary election and failed to be nominated may run as a write-in candidate. Furthermore, a person cannot be a write-in candidate in the primary or general election if they did not collect enough valid signatures to be placed on the ballot for current year's primary election.

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

Petition Circulators (ARS § 16-321)

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. 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

TERMINATION OF POLITICAL COMMITTEES (ARS § 16-914, 915)

A political committee may terminate only if all of the following conditions have been met:

1. The committee chairman and treasurer file a Political Committee Termination Statement form with the City Clerk certifying that the committee will no longer receive any contributions or make any disbursements.
2. The committee has no outstanding debts or obligations.
3. All surplus monies have been disposed of together with a statement of the manner in which the surplus monies were disbursed, including the name and address of each recipient of surplus monies and the date and amount of each disposition of surplus monies.

A political committee must dispose of surplus monies as follows:

1. 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.
2. Return surplus monies to the contributor to the extent records are available permitting such return.
3. Contribute surplus monies to a state, county, or local committee of a political party.
4. Donate the surplus monies to a charitable organization qualified under Section 501(c)(3) of the United States Internal Revenue Code.
5. 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.
6. Donate surplus monies to a political committee other than a candidate's campaign committee.
7. 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.⁴

Committees who file the \$500 Threshold Exemption Statement are automatically terminated 90 days after the election cycle and **must** file a termination statement or be subject to a penalty of \$100.⁵

⁴ A.S.S.16-915.01 (B)

⁵ SB 1393- 2010

REQUESTS FOR INFORMATION

Citizen requests for public information are processed through the City Clerk. Until you become a Council candidate (valid petitions and required paperwork have been filed with the City Clerk), a request for public information will be processed the same as all other public records requests.

Recognizing the City's responsibility to provide accurate information and equal treatment to all Council candidates, the following procedures will be used to provide information to candidates:

1. All candidates will be treated equally.
2. Requests for public information must be submitted in writing.
3. Information given to one candidate will be made available to all candidates.
4. Requests for information and documents provided to the City Council on a regular basis (e.g., Council agendas and minutes) will be provided to official candidates (valid petitions and required paperwork have been filed with the City Clerk) at no cost.
5. A copying charge of \$.25 cents per single sided copy and \$.50 for each duplex copy will be assessed for copies of documents that are not routinely provided to the City Council.

VOTING INFORMATION

Voter registration forms are available in the lobby of Prescott City Hall from 8:00 a.m. to 5:00 p.m., Monday – Friday, or by calling Yavapai County Elections Department, 928.771.3248. Voters may also download the registration form, register online at www.yavapai.us/electionsvr/register-to-vote/ and www.servicearizona.com.

VOTER REGISTRATION DEADLINES

2013 PRIMARY ELECTION - TUESDAY, August 27, 2013

Registration Deadline: July 29, 2013

2013 GENERAL ELECTION - TUESDAY, November 5, 2013

Registration Deadline: October 7, 2013

Voters may contact the Yavapai County Elections Office at 928.771.3250 to find out whether they are eligible to vote in a City of Prescott election.

EARLY VOTING

Beginning Thursday, July 25, 2013, early ballots for the August 27, 2013 Primary Election may be requested. Requests may be made online at: [Early Ballot Request](#)

Early ballots may also be requested by calling Yavapai County Elections, Monday through Friday, 8:00 a.m. to 5:00 p.m., at 928.771.3250. Written requests may be sent to: Yavapai County Elections, 1015 Fair Street, Prescott, AZ 85003. Written requests must include the voter's name, residence address, date of birth, election for which the ballot is being requested, address where the ballot is to be mailed (if different than residence address), and the signature of the requestor.

HOW TO VOTE EARLY BY MAIL OR WITH ASSISTANCE

For a voted early ballot to be counted, it must be returned to the Yavapai County Elections Office, or any polling place within Yavapai County, so that it is received no later than 7:00 p.m. on Election Day.

HOW TO VOTE EARLY IN PERSON

To cast an early ballot in person, appear at any of the Yavapai County Elections offices listed below, or any other designated early voting site, beginning on August 1, 2013, and no later than 5:00 p.m., Friday, August 23, 2013, for the Primary Election, and Friday November 1, 2013, for the General Election.

Sites Designated for Early Voting in Person

201 S. Cortez St (City Hall)
1015 Fair St. (County Administration Building)

Early voting hours at the above locations are 8:00 a.m. to 5:00 p.m., Monday through Friday.

VOTING AT THE POLLS

Polling places will be open from 6:00 a.m. to 7:00 p.m. Any qualified elector who is in the line of waiting voters at 7:00 p.m. shall be allowed to prepare and cast a ballot (ARS § 16-565).

Any registered voter may, at the voters' option, be accompanied by a minor; be accompanied and assisted by a person of the voter's own choice; or be assisted by two election officials, during any process relating to voting or during the actual process of voting on a paper ballot, machine or electronic voting system. A person who is a candidate for an office in that election is not eligible to assist any voter (ARS § 16-580).

Important Dates to Remember

Last Day to Register to Vote in Primary Election	Tuesday, July 29, 2013
Last Day to Request a Ballot to be Mailed (Primary)	Friday, August 16, 2013
Last Day to Vote Early in Person (Primary)	Friday, August 23, 2013
Last Day to Return Early Ballots (Primary)	by 7:00 p.m. Tuesday August 27, 2013
Primary Election	Tuesday, August 27, 2013

#	ACTION	PRIMARY/ GENERAL
1	FIRST DAY to distribute Council Candidate packets	01/23/2013
2	FIRST DAY to file Nominating petitions	04/29/2013
3	LAST DAY to file Nominating petitions	05/29/2013
5	LAST DAY to file June 30 Report (Campaign Finance)	07/01/2013
7	LAST DAY to file as a write-in candidate for Primary Election	07/18/2013
8	LAST DAY to register to vote in Primary Election	07/29/2013
9	BLANKET MAILING of mail ballots for Primary Election (Approx.)	08/01/2013
11	LAST DAY to file Pre-Primary Campaign Finance Report	08/23/2013
12	LAST DAY to vote an Early Ballot in Person for Primary Election	08/23/2013
13	LAST DAY for Emergency Voting in Primary Election	
14	PRIMARY ELECTION DAY - Early Ballots Must Be Received by 7:00 p.m.	08/27/2013
15	DAY to Canvass Returns of Primary Election	09/10/2013
17	LAST DAY to file as a write-in candidate for General Election	09/26/2013
18	LAST DAY to file Post-Primary Campaign Finance Report	09/26/2013
19	LAST DAY to register to vote in the General Election	10/07/2013
20	BLANKET MAILING of Ballots for General Election (Approx.)	10/10/2013
21	LAST DAY to file Pre-General Campaign Finance Report	11/01/2013
22	LAST DAY to vote an Early Ballot in person for General Election	11/01/2013
24	GENERAL ELECTION DAY - Early Ballots must be received by 7:00 p.m.	11/05/2013
25	FIRST DAY Council may canvass returns of General Election	11/12/2013

26	LAST DAY to canvass results of General Election	11/25/2013
27	LAST DAY to file Post-General Election Campaign Finance Report	12/05/2013

COUNCIL MEETINGS

Council Meeting Dates:

- Regular (Voting) Meetings:
 - Call to Order is at 3:00 PM on the second and last Tuesday of every month.
- Special Meetings:
 - Can be scheduled on as needed basis
- Executive Session:
 - There are only 7 reasons an Executive Session may be called. Executive Sessions are not open to the public.
 - All written material is confidential and will be collected by the City Attorney at the end of the meeting.
- Work Study:
 - Usually scheduled on the first Tuesday of the month at 3:00 PM.
 - Opportunity for citizens to present/comment to City Council

Attendance: Per City of Prescott City Charter, Article II, 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”.



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.



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

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.

RESOLUTION NO. 4141-1301

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, CREATING CAMPAIGN SIGN FREE ZONES, RECITING THE BASIS FOR SAME, ESTABLISHING THE BOUNDARIES OF THE ZONES, AND ESTABLISHING ENFORCEMENT AUTHORITY, AND DECLARING AN EMERGENCY

RECITALS:

WHEREAS, Arizona Revised Statutes authorize municipalities to create campaign sign free zones in important commercial tourism destination areas; and

WHEREAS, Prescott's significant commercial tourism and hotel destinations cover much of the city and the major roadways leading into it; and

WHEREAS, protection of the scenic and aesthetic appeal of these areas is of paramount importance to the economic and cultural vitality of the community; and

WHEREAS, it is in the interest of the citizens of the City of Prescott to establish campaign sign free zones over most of the public rights of ways within the community; and

WHEREAS, the City of Prescott relies on tourism to generate revenue required for the provision of public health, safety and welfare services and any erosion to this revenue stream will severely affect the ability of the city to provide these vital services.

ENACTMENTS:

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. THAT the City of Prescott designates the road rights-of-ways, as depicted on the map labeled "Attachment 1", and as designated on said map as "Area A", as a significant commercial tourism zone and therefore designated a Campaign Sign Free Zone immediately upon the effective date of this resolution.

Section 2. THAT the City of Prescott designates the road rights-of-ways, as depicted on the map labeled "Attachment 1", and as designated on said map as "Area B", as a significant commercial tourism zone and therefore

designated a Campaign Sign Free Zone to become effective November 23, 2012.

Section 3. THAT violations of the Campaign Sign Free Zone shall be as prescribed in City Code Section 8-2-12 PENALTIES and any other references to other City Code penalty sections contained therein.

Section 4. THAT, an EMERGENCY is hereby declared to exist. The City of Prescott relies on tourism to generate revenue required for the provision of public health, safety and welfare services and any erosion to this revenue stream will severely affect the ability of the city to provide these vital services. THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, ADOPTION AND APPROVAL BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott on this 13th day of July, 2012.

ORDINANCE NO. 4839-1302

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING CHAPTER 8 OF THE CITY CODE TO REGULATE CAMPAIGN SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY AND DECLARING AN EMERGENCY

RECITALS:

WHEREAS, the Arizona Revised Statutes have been amended to allow campaign signs within the public rights-of-way; and

WHEREAS, the City Code of the City of Prescott currently does not permit campaign signs in the public-rights-of-way; and

WHEREAS, the City Council of the City of Prescott has determined that amending the City Code to conform to the Arizona Revised Statutes is in the interest of the citizens of Prescott

WHEREAS, The City of Prescott relies on tourism to generate revenue required for the provision of public health, safety and welfare services and any erosion to this revenue stream will severely affect the ability of the city to provide these vital services.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT, Section 8-2-3: Use of City Right of Way shall be amended by adding a new paragraph (E) to read:

“(E) No person shall place, maintain or cause to be placed or maintained a campaign sign on or in any public right of way within any established Campaign Sign Free Zone, as may be established by the City Council pursuant to applicable state statutes. Violations of these provisions shall be punishable as prescribed in section 1-3-1, GENERAL PENALTY; MISDEMEANORS, CIVIL VIOLATIONS, CONTINUING VIOLATIONS of the City Code”.

SECTION 2. THAT Section 8-2-4: Exemptions shall be amended to add a new paragraph “(R)” to read:

“(R) Campaign Signs provided however that they meet the following criteria:

1. *The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.*
2. *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.*
3. *The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.*
4. *The sign contains the name and telephone number of the candidate or campaign committee contact person.*
5. *The sign is placed not more than 60 days before a primary election and is removed no later than 15 days after the general election. For candidates who do not advance to the general election, the sign must be removed no later than 15 days after the primary."*

SECTION 3. THAT, an EMERGENCY is hereby declared to exist. The City of Prescott relies on tourism to generate revenue required for the provision of public health, safety and welfare services and any erosion to this revenue stream will severely affect the ability of the city to provide these vital services. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, ADOPTION AND APPROVAL BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT.

SECTION 4. THAT the Mayor and staff are hereby authorized to take all necessary steps to effectuate such rezoning.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott on this 13th day of July, 2012.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

KIM WEBB, Interim City Clerk

City Attorney