

Memorandum

To: Mayor and Council

CC:

From: Lisa Anders, Interim City Manager

Date: 07/11/2014



Re: Charter Changes regarding Municipal Elections

I met with Custer County Election Board Secretary Ann Brown to discuss options for changing filing times and elections for municipal elections. She explained that due to the Uniformed and Overseas Citizens Absentee Voting Act, the filing periods and elections have longer durations. The guidelines for elections are different for even years and odd years so for this reason it was suggested that if changes are made to the charter that they be of a more generic nature rather than a specific date.

One option we discussed was having the filing period in June, the Primary Election on the last Tuesday in August, if needed and the General Election in November. These dates would coincide with other elections and therefore share the cost of the election with other entities. She said that on rare occasions would the City be the only election and would be responsible for the full cost of the election. Our charter sets the date that the Mayor and/or Council member would take office so that could be addressed in the charter change.

If you choose to proceed with a charter change, a resolution has to be filed with the election Board 75 days before the election on November 4, 2014. The resolution could be placed on the August 5th or August 19th agenda since it would be due on August 20th to meet the deadline.

ARTICLE 6. NOMINATIONS AND ELECTIONS

Overlapping Terms Of Two Years; Mayor Nominated And Elected At Large; Other Councilmen Nominated And Elected By Wards; Nonpartisan Elections

Section 6-1. At the elections in 1962 and in every even-numbered year thereafter, the mayor, the councilman from ward two, and the councilman from ward four shall be elected. At the elections in 1963 and in every odd-numbered year thereafter, the councilman from ward one and the councilman from ward three shall be elected. The mayor and other councilmen shall serve for terms of two years beginning at 7:30 o'clock P.M. on the second Tuesday in April in the respective years when they are elected. If the mayor-elect or a councilman-elect fails to qualify within one month thereafter, his office shall become vacant, and the vacancy shall be filled as other vacancies in the council are filled.

The candidates for mayor shall be nominated, and the mayor shall be elected, at large, by the qualified electors of the entire city. Candidates for councilmen from the wards must be qualified electors of their respective wards. Candidates for councilmen from the wards shall be nominated, and councilmen from the wards shall be elected, by the qualified electors of their respective wards.

Both the primary and the general election shall be nonpartisan; and no party designation or emblem shall be placed on the ballots. (Charter, eff. 4-9-1962)

Primary Election: Filing

Section 6-2. Any qualified candidate shall have his or her name placed on the ballot for the primary election as a candidate for mayor or councilman by filing a sworn declaration of candidacy with the county election board during the filing period set by resolution of the council. The filing period shall conform as nearly as practical to state law and shall not begin less than fifteen (15) days from the date the resolution is submitted to the county election board and end no less than forty five (45) days from the date of the primary election.

Primary Election: Time, Etc.

Section 6-3. A primary election shall be held every year on the Tuesday in August set by state law for special election and of every year thereafter to nominate candidates for the offices on the council the terms of which are expiring. If only one person is a candidate for an office to be filled, he shall

be not only nominated, but also elected ipso facto; and his name shall not appear on the primary or general election ballot. Should there be only two candidates for an office to be filed, their names will be placed on the November general election ballot and the names will not appear on the August primary ballot. (Res. 731, 1-18-2005, election 3-15-2005, eff. 3-18-2005) ρ

Primary Election: Who Nominated Or Elected

Section 6-4. In a primary election, the two candidates for each office to be filled receiving the greatest number of votes for that office, shall be nominated; and only their names shall appear on the general election ballot. If one of the candidates for an office receives a majority of all votes cast for all candidates for that office, he alone shall be not only nominated, but also elected ipso facto; and his name shall not appear on the ballot for the general election. In case of failure to nominate one or both candidates for an office because of a tie, the nominee or nominees shall be determined from among those tying, fairly by lot, by the county election board in a public meeting. If one of the two candidates for an office nominated in a primary election dies or withdraws before the general election, the remaining candidate shall be elected ipso facto; and his name need not appear on the ballot for the general election. (Charter, eff. 4-9-1962)

General Election: Time, Who Elected

Section 6-5. A general election shall be held in the city on the Tuesday in November set by state law for special election to elect the councilmen to succeed those whose terms are expiring. The candidate for each office receiving the greater number of votes shall be elected. In case of a tie, the election shall be determined, fairly by lot, by the county election board in a public meeting. (Res. 731, 1-18-2005, election 3-15-2005, eff. 3-18-2005)

Primary And General Elections: When Not Held

Section 6-6. If there are no candidates and no questions to be voted upon at a primary or general election, the election shall not be held.

Registered Qualified Electors

Section 6-7. Only electors residing in this city who have the qualifications prescribed for electors by the state constitution and law, and who are registered as may be required by law, may vote in city elections.

Election Dates for 2014

Election Date	Election Type	Resolution Due	Registration Deadline
January 14, 2014 (second Tuesday)	Special Elections	November 14, 2013 (60 days before election)	December 20, 2013
February 11, 2014 (second Tuesday)	Annual School Elections	November 15, 2013 (15 days before filing)	January 17, 2014
	Special Elections	December 12, 2013 (60 days before election)	
March 4, 2014 (first Tuesday)	Special Elections	January 2, 2014 (60 days before election)	February 7, 2014
April 1, 2014 (first Tuesday)	Annual School Runoff Election		March 7, 2014
	Special Elections	January 30, 2014 (60 days before election)	
May, 2014	No elections allowed	No elections allowed	No elections allowed
June 24, 2014 (last Tuesday)	Primary Election		May 30, 2014
	Special Elections	April 9, 2014 * (75 days before election)	
July, 2014	No elections allowed	No elections allowed	No elections allowed
August 26, 2014 (fourth Tuesday)	Runoff Primary Election		August 1, 2014
	Special Elections	June 11, 2014* (75 days before election)	
September, 2014	No elections allowed	No elections allowed	No elections allowed
October, 2014	No elections allowed	No elections allowed	No elections allowed
November 4, 2014 (first Tuesday after first Monday)	General Election		October 10, 2014
	Special Elections	August 20, 2014* (75 days before election)	
December, 2014	No elections allowed	No elections allowed	No elections allowed

* Regular or special candidate filing periods required for county, school district, or municipal offices for regular or special elections scheduled on the dates of the Primary, Runoff Primary, or General Election must be conducted within the following time frames:

Primary: April 10 – April 19 Runoff Primary: June 11 – 21 General: August 21 – August 30

Election Dates for 2015

Election Date	Election Type	Resolution Due	Voter Registration Deadline
January 13, 2015 (second Tuesday)	Special Elections	November 13, 2014 (60 Days before election)	December 19, 2014
February 10, 2015 (second Tuesday)	Annual School Elections	November 14, 2014 (15 days before filing)	January 16, 2015
	Regular Municipal Primary Elections (Partisan)	November 14, 2014 (15 days before filing)	
	Special Elections	December 11, 2014 (60 Days before election)	
March 3, 2015 (first Tuesday)	Special Elections	December 31, 2014 (60 Days before election)	February 6, 2015
April 7, 2015 (first Tuesday)	Annual School Runoff Elections	January 16, 2015 (15 days before filing)	March 13, 2015 <i>Filing April 15, 16, 17</i>
	Regular Municipal General Elections		
	Special Elections		
May 12, 2015 (second Tuesday)	Special Elections	March 12, 2015 (60 Days before election)	April 17, 2015
June 9, 2015 (second Tuesday)	Special Elections	April 9, 2015 (60 Days before election)	May 15, 2015
July 14, 2015 (second Tuesday)	Special Elections	May 14, 2015 (60 Days before election)	June 19, 2015
August 11, 2015 (second Tuesday)	Special Elections	June 11, 2015 (60 Days before election)	July 17, 2015
September 8, 2015 (second Tuesday)	Special Elections	July 9, 2015 (60 Days before election)	August 14, 2015
October 13, 2015 (second Tuesday)	Special Elections	August 13, 2015 (60 Days before election)	September 18, 2015
November 10, 2015 (second Tuesday)	Special Elections	September 10, 2015 (60 Days before election)	October 16, 2015
December, 2015*	No elections allowed*	No elections allowed*	No elections allowed*

*A municipality with population in excess of 250,000, according to the most recent federal census, is permitted to hold an election on the second Tuesday in December. No other entity may hold an election in December.