



2020 PRIMARY AND GENERAL ELECTION CANDIDATE HANDBOOK

Town Clerk's Office
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INTRODUCTION

The Town of Tusayan 2020 Primary and General Election Candidate Handbook provides basic election information to people interested in running for Town Council. The next Town of Tusayan Primary Election (Primary) will be held on Tuesday, August 4, 2020, for the purpose of electing two Council Members to four-year terms, and one Mayor to a two-year term. Terms will begin at the first Council Meeting in January 2021.

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 legal votes cast in that candidate's race. A General Election (General) will be held on Tuesday, November 3, 2020, if any of the three seats are not filled at the Primary.

NOTE: When the General Election is referenced in this handbook, it is implied that a General Election will be held only if necessary.

When you or your representative pick up a Candidate Packet, we will review the documents and filing requirements and ask that a "Receipt of Election Materials" be signed, verifying that all documents were provided to you or your representative.

The Town Clerk's Office provides general information to assist all candidates; however, each candidate is ultimately responsible for compliance with election laws. Please take time to thoroughly review the information contained in your Candidate Packet, ensuring that you and those running your campaign comply with all applicable statutes and ordinances.

Every effort was made to provide you with current materials; however, State statutes are subject to constant change and interpretation, and the Town Clerk's Office is prohibited from providing legal advice on election questions to candidates. Given the complexity of election laws, 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.

Sincerely,

Bruce Northern
Town Clerk

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GENERAL INFORMATION

FORM OF GOVERNMENT

There are 91 incorporated cities and towns in Arizona. They are either governed by a charter adopted by the voters – known as “Home Rule” -- or by general provisions of state law – known as “General Law”. The Town of Tusayan (“Town”) is a general law government.

The Town operates under the Council-Manager form of government. The elected Town Council is responsible for setting policy, adopting ordinance or laws, making budgetary appropriations and general governmental oversight. This type of governing structure is similar to a private business or corporate structure in which the policymaking and administrative operations are separated, simplifying government and reducing direct political involvement in the day-to-day administration.

The Council appoints the Town Manager, who is responsible for administering government operations, appointing department heads, and implementing the policies adopted by the Council. The Council also appoints the Town Attorney.

TOWN COUNCIL

The Town Council (“Council”) is composed of a Mayor and four Council Members who are elected to serve staggered four-year terms. Members are elected at-large in non-partisan elections, meaning that an elected official is chosen by all the voters rather than by a district, and local elections are free from party affiliation. Elections are held every two years in the fall of even-numbered years. There are no term limits.

The Mayor is the presiding officer of the Council in addition to fulfilling all other powers and duties as defined in the Town Code. At a meeting in January, the Mayor will nominate a Vice Mayor to serve a one-year term.

OFFICES TO BE FILLED AND INDUCTION

The Town of Tusayan (“Town”) will have two Council seats and one Mayor’s seat to be filled in 2020. Newly elected Council Members will be inducted at a Council meeting in January 2021.

CANDIDATE QUALIFICATIONS

At the time of filing their nomination paper, candidates for local office shall meet the following requirements:

- Must be 18 years of age or older;
- Must be able to speak, write and read the English language
- Must have resided within the Town limits or a recently annexed area for one year preceding the election;
- Must be a qualified elector of the Town at the time of filing nomination papers;
- Must not be convicted of a felony, unless civil rights have been restored

ELECTION AT THE PRIMARY (TUESDAY, AUGUST 4, 2020)

Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared to be elected to the office for which he is a candidate effective as of the date of the general election, and no further

election shall be held as to said candidate; provided that if more candidates receive a majority than there are offices to be filled, those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected. A majority of votes cast shall be determined as set forth in A.R.S. § 9-821.01.

A “majority” is calculated by dividing the total number of legal votes cast in each candidate’s race by the number of seats to be filled, dividing that number in half, and rounding to the next highest whole number. For example, if three candidates are running for Mayor and primary election results indicate that 100 votes cast 99 legal votes. To be elected in the Primary, a mayoral candidate must receive at least 50 votes. (The total number of votes divided by the number of seats – in this case 1 – then dividing that number in half and rounding to the next highest whole number.)

The 2020 Tusayan Council Primary Election date will be August 4, 2020. (The first Tuesday in August)

ELECTION AT THE GENERAL (TUESDAY, NOVEMBER 3, 2020)

If not all seats are filled at the Primary Election, a General or Run-Off Election will be held in November. In a General Election, no more than twice the number of candidates for which there are vacancies may be placed on the General Election ballot. Using the example above for Election at the Primary, if none of the three Mayoral candidates receive a majority of the votes cast, the two candidates who received the highest number of votes would be placed on the General Election ballot.

The candidate(s) equal to the number of persons to be elected with the highest number of votes shall be elected.

The 2020 Tusayan Council General Election date will be November 3, 2020. (The first Tuesday after the first Monday in November)

RESIGN TO RUN

A.R.S. § 38-296 Limitations on filing for election by incumbent of elective office

- A. Except during the final year of the term being served, no incumbent of a salaried elective office, whether holding by election or appointment, may offer himself for nomination or election to any salaried local, state or federal office.
- B. An incumbent of a salaried elected office shall be deemed to have offered himself for nomination or election to a salaried local, state or federal office on the filing of a nomination paper pursuant to A.R.S. § 16-311(A). An incumbent of a salaried elected office is not deemed to have offered himself for nomination or election to an office by making a formal declaration of candidacy for the office.
- C. The resignation of the incumbent elective officer duly filed in writing with the office, board or commission having jurisdiction of the office, if not accepted within ten (10) days, shall be deemed to have become effective as of the date of filing.

CANDIDATE PACKETS

Each candidate packet contains the required forms for filing, including a Statement of Interest, Nomination Petitions, a Statement of Organization form, and Campaign Finance forms. ***The Clerk's Office staff is here to assist candidates in the filing process but cannot provide legal advice. Please take time to review all election materials thoroughly before filing nomination papers.***

CANDIDATE NOMINATION PAPERS AS PUBLIC RECORDS

All papers filed by candidates and their respective political committees are public records. These papers are typically reviewed by the press, citizens, and other candidates. No information contained on these papers, including home addresses and phone numbers, is redacted.

STATEMENT OF INTEREST [A.R.S. § 16-311, A.R.S. § 16-341(I)]

All candidates must file a Statement of Interest with the Clerk's Office before collecting signatures. Any signatures collected before the Statement of Interest is filed will not be valid. Only qualified electors of the Town of Tusayan may sign nomination petitions.

NUMBER OF SIGNATURES REQUIRED [A.R.S. § 16-322(A)(8)]

The total number of signatures required on nomination petitions for a candidate for the office Council shall be no less than five (5) percent and no more than ten (10) percent of the highest number of votes cast for Council Member at the last election at which Council Member was elected.

Signatures Required for Council Member

5%	10%	Highest Votes Cast
4	7	70

A qualified elector (registered Tusayan voter) may sign one nomination petition for each seat or office to be filled. **In 2020, two Council seats and one Mayor's seat are to be filled; therefore, an elector may sign two candidates' nomination petitions for Council and one for Mayor.**

PETITION CIRCULATORS [A.R.S. § 16-321(D)]

A petition circulator is not required to be a resident of Arizona, but otherwise must be qualified to register to vote in Arizona pursuant to A.R.S. § 16-101 and, if not a resident of Arizona, shall register as a circulator with the Secretary of State. To register as a circulator, contact the Secretary of State's Office at 602-542-4285 or visit their website at www.azsos.gov.

A circulator shall verify that each of the names on the petition was signed in his presence on the date indicated, and that in his belief each signer was a qualified elector who resides at the address given as the signer's residence on the date indicated. Only one person may circulate a petition sheet, and the same person who circulated the sheet must sign the certificate on the back. *(Instructions are included on the back of each petition sheet).*

A candidate may circulate his own petition.

FILING DEADLINE [A.R.S. § 16-311(B)]

To become an official candidate for Council and to have your name printed on the 2020 Primary Election ballot, the following forms must be filed with the Town Clerk office no sooner than 7:00 a.m. on Monday, March 9, 2020 and no later than 5:00 p.m. on Wednesday, April 6, 2020:

- Nomination Petitions containing at least 4 but no more than 7 valid signatures
- Nomination Paper
- Financial Disclosure Statement
 - 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)

Candidates may make one supplemental filing of additional petitions sheets prior to the candidate filing deadline of 5:00 p.m., Wednesday, April 6, 2020.

LEGAL SUFFICIENCY OF NOMINATION PETITIONS

It is the duty of the courts and not the Town Clerk to determine the legal sufficiency of nomination petitions. The Town Clerk need only determine that the nomination petitions are substantially in regular form and contain the required number of signatures. The Town Clerk has neither the right nor the duty to determine whether signers of the nominating petitions are qualified electors.

APPEALS

An elector may file a court action challenging a nomination petition in accordance with A.R.S. § 16-351.

CAMPAIGN FINANCE

A candidate for Council must comply with all State campaign finance laws. [Arizona Revised Statutes Title 16 Elections and Electors, Chapter 6 (Campaign Contributions and Expenses)] Campaign finance laws are specific and detailed. They establish, among other things, when a candidate is required to form a committee, how a candidate's committee must be constituted, contribution limits, and 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.

To ensure compliance with all State campaign finance laws, candidates are strongly encouraged to seek the assistance of an attorney and/or other professionals with knowledge of election laws from the beginning of the involvement in the campaign process.

Links to Campaign Finance forms, the Secretary of State's Campaign Finance Handbook, and the Secretary of State's Campaign Contribution Limits for the 2019-2020 Election Cycle are all available from the website of the Secretary of State at <https://azsos.gov/elections/campaign-finance-reporting>

STATEMENT OF ORGANIZATION [A.R.S. § 16-925 – 16-905(B)]

Candidates are required to file a Statement of Organization with the Town Clerk within ten (10) days of receiving contributions or making expenditures, in any combinations, of at least \$500.

Candidates who receive contributions or make expenditures in any combination of at least \$500 in connection with their candidacy in the 2020 Town of Tusayan municipal elections must designate, in writing, a political committee to serve as the candidate's committee by filing a committee statement of organization with the Town Clerk (filing officer).

A candidate may have only one committee in existence of the same office during the same election cycle. Since committees are now required to accept all correspondence through email, it is imperative committee contact information be kept up-to-date. Candidates are required to file an amended Statement of Organization within ten (10) days after any change in committee information. It is important the Clerk's Office have up-to-date email addresses for political committees as the candidate agrees to accept only electronic correspondence when the Statement of Organization is filed. (A.R.S. § 16-906)

CAMPAIGN CONTRIBUTION LIMITS (A.R.S. § 16-912)

The Campaign Contribution Limits for the 2019-2020 Election Cycle chart is available on the Secretary of State's [website](#). In summary, the limits are:

- \$6,450 per election cycle from an individual or a political action committee (PAC) without Mega PAC Status.
- \$12,900 per election cycle from a PAC with Mega PAC status.

Note: "Election Cycle" is the two-year period beginning on the first day of the calendar quarter after the quarter in which the Town's general election is scheduled, and ending on the last day of the calendar quarter in which the second Town General Election is scheduled. (Current cycle is January 1, 2019 to December 31, 2020. The next cycle will be January 1, 2021 to December 31, 2022)

CAMPAIGN FINANCE WORKSHOP

Campaign Finance Workshops may be provided by the [Secretary of State's Office](#). Candidates and/or their representative(s) are strongly encouraged to attend if offered.

CAMPAIGN FINANCE REPORTING REQUIREMENTS (A.R.S. § 16-925 - § 16-928)

Campaign Finance reports **must** be filed with the Town Clerk throughout the election period. An electronic copy of the form is available on the Town's website. It is the responsibility of the candidate and/or candidate's committee to ensure all deadlines are met. Electronic filing via email to maria.gonzalez@queenecreek.org is acceptable, as long as the report is legible. The required reports and respective filing dates for the 2020 Election are as follows:

REPORT TYPE	EARLIEST FILING DATE	DEADLINE
2019 Annual 4th Qtr: January 1, 2019, <i>or opening reporting date</i> , through December 31, 2019	January 1, 2020	January 15, 2020
2020 1st Qtr: January 1, 2020, <i>or opening reporting date</i> , through March 31, 2020	April 1, 2020	April 15, 2020
2020 2nd Qtr: April 1, 2020, <i>or opening reporting date</i> , through June 30, 2020	July 1, 2020	July 15, 2020
2020 Pre-Primary Election: July 1, 2020 through July 18, 2020	July 19, 2020	July 27, 2020
2020 3rd Qtr: July 19, 2020 through September 30, 2020	October 1, 2020	October 15, 2020
2020 Pre-General Election: October 1, 2020 through October 17, 2020	October 18, 2020	October 26, 2020
2020 4th Qtr: October 18, 2020 through December 31, 2020	January 1, 2021	January 15, 2021

The receipt date by the Clerk's Office is considered to be the date of filing. This includes the date recorded on a sent email. The Clerk's Office is available to accept filing in person during the Town's regular business hours, 7:00 a.m. to 6:00 p.m., Monday thru Thursday (excluding holidays).

FAILURE TO FILE (A.R.S. § 16-937, 938)

A committee failing to file any of the required campaign finance reports is subject to a penalty of \$10 for each day that the filing is late during the first 15 days after the filing deadline, and \$25 for each subsequent day the filing is late. Penalties accrue until the later report is filed. If the committee fails to file a report within 30-days after the

filing deadline, the filing office (Town Clerk) may, after providing written notice by email to the committee within five days after the filing deadline, refer the matter to the enforcement office (Town Attorney).

Upon request from the filing officer or the enforcement officer, a committee that has filed a Statement of Organization shall produce any of the records required to be kept pursuant to A.R.S. § 16-907 to the filing officer or enforcement officer.

A person that qualifies as a committee as prescribed by A.R.S. § 16-905 shall report all contributions, expenditures and disbursements that occurred before qualifying as a committee and shall maintain and produce records as prescribed by A.R.S. § 16-907.

TERMINATION OF CANDIDATE COMMITTEES (A.R.S. § 16-933, 934)

A committee may terminate only when the committee treasurer files a termination statement with the filing office (Town Clerk) certifying under penalty of perjury that:

1. The committee will no longer receive any contributions or make any disbursements;
2. The committee has either no outstanding debts or obligations, or has outstanding debts or obligations, or both, that are all more than five years old, and that the committee's creditors have agreed to discharge the debts and obligations and have agreed to the termination of the committee;
3. All surplus monies have been disposed of and that the committee has no cash on hand;
4. All contributions and expenditures have been reported, including any disposal of surplus monies.

A candidate committee may transfer surplus funds, including the committee's debts and obligations, to a subsequent committee for that individual or candidate, as prescribed by A.R.S. § 16-913.

A committee shall dispose of surplus monies only as follows:

1. Return surplus monies to the contributor
2. Contribute surplus monies pursuant to and within the limits prescribed in A.R.S. § 16-911 thru § 16-918.
3. In the case of a candidate committee, contribute surplus monies to a candidate committee for another candidate under the following conditions:
 - a. The candidate committee makes the contribution after the time period for filing a nomination paper pursuant to A.R.S. § 16-311(A).
 - b. The candidate associated with the candidate committee that makes the contribution did not file a nomination paper to run for election in the current election cycle.
 - c. In the case of a candidate committee for legislative office, the candidate committee makes the contribution when the legislature is not in regular legislative session.
 - d. The candidate committee makes the contribution within the limits prescribed for individuals in A.R.S. § 16-912.
4. Donate surplus monies to a nonprofit organization that has tax exempt status under section 501(c)(3) of the internal revenue code.

Surplus monies shall not be used for or converted to personal use.

A Termination Statement is available on the Town's website. This form may be used to dissolve a political committee at the end of the election cycle and/or whenever the committee meets the criteria listed above.

CAMPAIGN FINANCE COMPLAINTS

Campaign Finance complaints are filed with the Town Clerk, the filing officer for local elections. Individuals wishing to file a Campaign Finance Complaint must file a written complaint stating the alleged violation.

Upon receipt of a written complaint, the Town Clerk shall review the complaint and determine through review of the complaint whether there is reasonable cause to believe that there has been a violation of the Arizona Revised Statutes Title 16 Elections and Electors, Chapter 6 (Campaign Contributions and Expenses). If, after completing a review of the written complaint, the Clerk finds there is reasonable cause, the Town Clerk notifies the Town Attorney of the alleged violation. The Attorney is responsible for review of the alleged violation or assigning the matter to outside legal counsel for review.

POLITICAL SIGNS (TOWN ZONING ORDINANCE, ARTICLE 7.0 SIGN REGULATIONS)

Sign regulations are contained within Town of Tusayan’s Zoning Code, Article 11.5 Temporary Signs which is included in your packet. Additional regulations on political signs can be found in A.R.S. § 16-1019.

The first day a candidate may put up signs is June 5, 2020 (60-days before a primary election) and the sign period ends on November 18, 2020 (15-days after the general election); however, if there is no cause to hold a general election, then the period ends on August 18, 2020 (15-days after the primary election).

USE OF TOWN RESOURCES (A.R.S. § 9-500.14)

The following is shared with the Mayor, Council and all Town Staff before every election:

- A. A city or town shall not spend or use its resources, including the use or expenditure of monies, accounts, credit, facilities, vehicles, postage, telecommunications, computer hardware and software, web pages, personnel, equipment, materials, buildings or any other thing of value of the city or town, for the purpose of influencing the outcomes of elections. Notwithstanding this section, a city or town may distribute informational pamphlets on a proposed bond election as provided in section 35-454 if those informational pamphlets present factual information in a neutral manner. Nothing in this section precludes a city or town from reporting on official actions of the governing body.
- B. The prohibition on the use of public resources to influence the outcome of bond, budget override and other tax-related elections includes the use of city-focused or town-focused promotional expenditures that occur after an election is called and through election day. This prohibition does not include routine city or town communications.
- C. This section does not prohibit the use of city or town resources, including facilities and equipment, for government-sponsored forums or debates if the government sponsor remains impartial and the events are purely informational and provide an equal opportunity to all viewpoints. The rental and use of a public facility by a private person or entity that may lawfully attempt to influence the outcome of an election is permitted if it does not occur at the same time and place as a government-sponsored forum or debate.
- D. Employees of a city or town shall not use the authority of their positions to influence the vote or political activities of any subordinate employee.
- E. The attorney general or the county attorney of the county in which an alleged violation of this section occurred may initiate a suit in the superior court in the county in which the city or town is located for the purpose of complying with this section.
- F. For each violation of this section, the court may impose a civil penalty not to exceed five thousand dollars plus any amount of misused funds subtracted from the city or town budget against a person who knowingly violates or aids another person in violating this section. The person determined to be out of compliance with this section is responsible for the payment of all penalties and misused funds. City or

town funds or insurance payments shall not be used to pay these penalties or misused funds. All misused funds collected pursuant to this section shall be returned to the city or town whose funds were misused.

- G. Nothing contained in this section shall be construed as denying the civil and political liberties of any employee as guaranteed by the United States and Arizona Constitutions.
- H. For the purposes of this section:
 - 1. "Government-sponsored forum or debate" means any event, or part of an event or meeting, in which the government is an official sponsor, which is open to the public or to invited members of the public, and whose purpose is to inform the public about an issue or proposition that is before the voters.
 - 2. "Influencing the outcomes of elections" means supporting or opposing a candidate for nomination or election to public office or the recall of a public officer or supporting or opposing a ballot measure, question or proposition, including any bond, budget or override election and supporting or opposing the circulation of a petition for the recall of a public officer or a petition for a ballot measure, question or proposition in any manner that is not impartial or neutral.
 - 3. "Misused funds" means city or town monies or resources used unlawfully as proscribed by this section.
 - 4. "Routine city or town communications" means messages or advertisements that are germane to the functions of the city or town and that maintain the frequency, scope and distribution consistent with past practices or are necessary for public safety.
 - 5. Candidates may not use the Town of Tusayan's logo in conjunction with their campaign for elected office.

ADVERTISING AND FUND-RAISING DISCLOSURE STATEMENTS (A.R.S. § 16-925)

- A. A person that makes an expenditure for an advertisement or fund-raising solicitation, other than an individual, shall include the following disclosures in the advertisement or solicitation:
 - 1. The words "paid for by", followed by the name of the person making the expenditure for the advertisement or fund-raising solicitation.
 - 2. Whether the expenditure was authorized by any candidate, followed by the identity of the authorizing candidate, if any.
- B. In addition to the disclosure required by subsection A of this section, a political action committee that makes an expenditure for an advertisement shall include a disclosure stating the names of the three political action committees making the largest aggregate contributions to the political action committee making the expenditure and that exceed twenty thousand dollars during the election cycle, as calculated at the time the advertisement was distributed for publication, display, delivery or broadcast.
- C. If a disclosure contains any acronym or nickname that is not commonly known, the disclosure shall also spell out the acronym or provide the full name. D. If the advertisement is:

1. Broadcast on radio, the disclosure shall be clearly spoken at the beginning or end of the advertisement.
2. Delivered by hand or mail or electronically, the disclosure shall be clearly readable.
3. Displayed on a sign or billboard, the disclosure shall be displayed in a height that is at least four percent of the vertical height of the sign or billboard.
4. Broadcast on television or in a video or film, both of the following requirements apply:
 - a) The disclosure shall be both written and spoken at the beginning or end of the advertisement, except that if the written disclosure statement is displayed for the greater of at least one-sixth of the broadcast duration or four seconds, 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 at least four percent of the vertical picture height. E. This section does not apply to:
 1. Social media messages, text messages or messages sent by a short message service.
 2. Advertisements that are placed as a paid link on a website, if the message is not more than two hundred characters in length and the link directs the user to another website that complies with this section.
 3. Advertisements that are placed as a graphic or picture link, if the statements required in this section cannot be conveniently printed due to the size of the graphic or picture and the link directs the user to another website that complies with this section.
 4. Bumper stickers, pins, buttons, pens and similar small items on which the statements required in this section cannot be conveniently printed.
 5. A solicitation of contributions by a separate segregated fund.
 6. A communication by a tax-exempt organization solely to its members.
 7. A published book or a documentary film or video.

REQUESTS FOR INFORMATION

Requests for public records by candidates or representatives will be processed through the Town Clerk's Office; there is a fee for copies. Candidate information, including campaign finance reports will be available on the Town's website as are many other documents.

VOTING INFORMATION

VOTER REGISTRATION

Voters may register or update existing registration via the Coconino County Elections website:

- <https://www.coconino.az.gov/808/Voter-Registration>

Registration deadlines:

- Primary Election is July 6, 2020
- General Election (*if necessary*) is October 5, 2020

VOTER REGISTRATION FILES

The Town of Tusayan does not maintain voter registration or voter history data. Candidates may contact the Coconino County Recorder's Office directly to obtain the information. Note, a fee may be applied.

IN ORDER FOR YOUR NAME TO BE ON THE BALLOT:

The following properly executed forms must be submitted to the Town Clerk for the official filing of your candidacy no earlier than March 9, 2020 and no later than 5 p.m. on April 6, 2020.

- Petition containing at least 4 signatures and not more than 7 for a four-year Councilmember term.
- Petition containing at least 4 signatures and not more than 7 for a two-year Mayoral term.
- A Nominating Paper, Declaration of Qualifications, and Campaign Finance Law Statement.
- The Local Public Officer's Financial Disclosure Statement

Please contact the Tusayan Town Clerk if you have any questions: 928-639-2453

Candidate Packet received by: _____

Signature: _____