

2016 Municipal Election Guide For Candidates

The following is general information pertinent to the Mayoral and City Council elections. This is not an all-inclusive list of all election laws and practices, but hopefully it will provide an easy format for answers to questions frequently asked by candidates. I hope you will find this useful.

General Information:

Municipal elections will be held in the City of Montevallo for the office of Mayor and for five City Council positions on Tuesday, August 23, 2016. These are non-partisan, at-large elections. Candidates for Council positions must run in wards / districts in which they live as determined by the address where they are registered to vote. Work areas and committee assignments are assigned by the Mayor after the run-off election based upon the experience and/or interests of the persons elected.

A run-off election, if necessary, will be held on Tuesday, October 4, 2016 and the organizational meeting for the new administration will be held at the regularly scheduled council meeting on Monday, November 7, 2016.

Poll hours are from 7:00 a.m. through 7:00 p.m.

No person may become a candidate for more than one office to be filled at the election. (§11-46-25 (h), Code of Alabama)

No name may be preceded on a ballot by a title. A title may only be used when it is necessary to distinguish between two or more candidates with the same or similar names.

Electors (Voters) are not entitled to vote for any person whose name does not appear on the ballot, and no elector (voter) shall write in the name of any person on the ballot. (§11-46-43, Code of Alabama)

Candidates may not accept, solicit, or receive campaign contributions more than twelve (12) months before an election in which the person intends to become a candidate. The first date contributions can be received for the 2016 municipal election is August 23, 2015. Campaign contributions may not be commingled with personal funds. A separate campaign fund must be established. If a candidate raises \$1,000 in campaign contributions with intent to become a candidate or expends \$1,000 with the intent to become a candidate, whether or not he or she has actually qualified for office, a campaign committee statement must be filed within five days of reaching this threshold, and must file a Statement of Economic Interests (Ethics form). The candidate may solicit contributions for a period of 120 days after the election in which the person was a candidate, but only to the extent of any campaign debt. Any contributions remaining in the account after all campaign debts are paid, may be donated to charity, to the State General Fund, Education Trust Fund, or to the equivalent county or municipal fund. Surpluses may not be converted to personal funds. Personal funds contributed by the candidate to his/her own campaign fund may not be reimbursed, however a loan made to the campaign fund by the candidate, and properly reported on campaign finance disclosure, may be repaid.

Candidate Qualifications:

Candidates for municipal office must be registered voters (qualified electors) in the City on the date the qualification papers are filed, and must have resided within the city limits for ninety (90) days prior to the date of the election, and must remain a resident of the city during the term of office. Candidates for City Council must have resided within the district for (90) days and remain a resident of the district.

Qualification Dates:

Candidates may qualify to run for office not earlier than Tuesday, July 5, 2016 at 8:00 a.m. (§11-46-22, Code of Alabama, 1975) nor later than Tuesday, July 19, 2016 at 5:00 p.m. (§11-46-25, Code of Alabama, 1975).

Qualification Fees:

A Statement of Candidacy must be filed with the City Clerk. There are no qualification fees.

Withdrawals:

A candidate may withdraw as a candidate by giving written notice at any time prior to the date of the election.

Statement of Economic Interest:

Simultaneously with qualifying to run for office, the Ethics Law requires all candidates to file a statement of economic interest. The election official (City Clerk) must have certification of this filing from the Ethics Commission or the name shall not appear on the ballot. Incumbents or certain government employees who become candidates do not have to file this form at the time they qualify, as they are required to file an annual report with the Ethics Commission not later than April 30 of each year. (§36-25-15, Code of Alabama, 1975) If you have additional questions contact the Alabama Ethics Commission, P. O Box 4840, Montgomery, Alabama 36103-4840, (334) 242-2997, or www.ethics.alabama.gov .

Fair Campaign Practices Act:

The Fair Campaign Practices Act requires all candidates to file with the Probate Judge a list of from two to five persons who will serve as their campaign committee. Candidates may serve as their own committee, but must still file a form to this effect with the Probate Judge, and must designate someone to dissolve the committee in the event of his/her death or incapacity. This form must be filed within five (5) days of qualifying to run for office (§17-22A-4, Code of Alabama, 1975), - **OR** - when a prospective candidate reaches \$1,000 in campaign contributions or reaches \$1,000 in expenditures with intent to become a candidate, this form establishing the committee must be filed within five (5) days of reaching that threshold. Forms are available from the City Clerk, Probate Judge, or the Secretary of State website www.sos.alabama.us/election. For your convenience, both Probate Judges and their

information is listed below. There are several filing deadlines prior to the election. **Please pay close attention to all filing deadlines.**

James W. Fuhrmeister
Judge of Probate
Shelby County Courthouse
112 N. Main St
Columbiana, AL 35051
(205) 669-3710

A campaign committee must have at a minimum, a Chairman and a Treasurer, but may have up to five members or the candidate may choose to act as his/her own committee. The committee members must accept the nomination in writing. The committee must maintain a checking account for all campaign contributions and disbursements. These funds must be segregated from, and not commingled with, personal funds of officers, members, or associates of the committee. This is also true when the candidate serves as his or her own committee. No candidate may spend any personal funds to help his or her election except by contributing those personal funds to the campaign committee he or she has designated, or by making a loan to that fund. When the candidate serves as their own committee, someone must be designated to close the account in the event of the death or incapacity of the candidate.

Any cash contribution of more than \$100 must be itemized on the report. If you so choose, contributions of less than \$100 may be itemized. Any cumulative cash contributions from the same person totaling more than \$100 made in two or more installments must be itemized in the next reporting period after the \$100 threshold is met or exceeded. Some type of bookkeeping system should be put into place on small contributions so that it is easy to ascertain when the aggregate total from one contributor exceeds \$100. Any combination of cash contributions from various persons or groups that are not itemized must be totaled and reported under miscellaneous contributions. Also any in-kind contributions such as office space, equipment, furniture, or other item of value that is contributed or used without compensation having a reasonable market value of more than \$100, or from sources such as loans or interest on campaign funds of more than \$100 must be reported.

Likewise, any expenditure of more than \$100 must be reported and a receipt, bill, and/or canceled check retained. Also for any combined expenditures paid to the same person or vendor totaling over \$100, receipts or canceled checks must be retained and must be reported in the next reporting period. Expenditures of less than \$100 may be itemized, but if they are not, they must be totaled and listed as a miscellaneous line item. Some bookkeeping system should be kept to track small expenditures. Receipts should be retained for two years from the date of the expenditure.

After the Appointment of Principal Campaign Committee form is filed, and the \$1,000 threshold is reached, the candidate must file a monthly financial disclosure by the second day of the succeeding month. Beginning with the month preceding the election, a weekly financial report must be filed each Monday. A Waiver of Report may be filed when disclosure dates occur as long as receipts or expenditures do not exceed \$1,000. The waiver report is not a required report. However, to avoid the appearance of failing to file a required report when these matters are investigated by the press, other

candidates, or citizens, it is suggested the waiver be filed to dispel the appearance of impropriety. If elected, an annual report must be filed, if the campaign committee has not been dissolved.

A person who violates the various reporting requirements may be guilty of a Class A misdemeanor, a Class B felony or be subject to civil remedies. **Note:** Forms may be downloaded from the Secretary of State web site (www.sos.alabama.us/election), and can be filled out manually or on-line, however, **they cannot be filed electronically in municipal elections.** They must be printed, signed, and filed with the Shelby County Probate Judge.

Campaign Prohibitions:

Prohibited activities include making a contribution in someone else's name, buying votes, interfering with a person's right to freely cast a vote, soliciting money or anything of value by physical force, job discrimination, financial reprisals, or threats, or fraudulently misrepresenting oneself as acting for a candidate. Other prohibited activities are illegal voting such as casting more than one ballot for the same office, or knowingly attempting to vote when not entitled to do so. Also bribing or attempting to influence voters, buying votes, selling votes, altering or changing the vote of an elector, or disturbing an elector on election day.

On election day, except as electors (voters) are admitted to vote and persons to assist them and a law officer, election officers, and watchers, no person shall be permitted within thirty (30) feet of the polling place. The thirty (30) foot distance shall be measured from the door of the building in which the voting machines or ballot boxes are located. Campaign workers must observe this distance.

NOTE: No voter, poll worker or poll watcher will be allowed to use personal cell phones or other personal communication device from inside the polling area. There is a state prohibition on recording or videotaping in the polling area as it violates the secrecy of the balloting procedure and can be construed as voter intimidation. Since most cell phones and personal communications devices now include photos and videography, and we do not have the time nor resources to police this, no cell phone or personal communications device usage will be allowed in this area. The Chief Polling Official (Chief Inspector) will be permitted to use his/her cell phone for voter verification purposes to reach the Election Manager (City Clerk).

Political Advertising:

The Fair Campaign Practices Act (FCPA) requires that all advertising appearing in print and broadcast media and all campaign literature, including signs, shirts, campaign buttons, etc. must be clearly identified with an advertising disclaimer. The FCPA does not give a specific format for wording the disclaimer, but such words as “paid advertisement by”, “paid for by”, or “paid political ad”, meet the requirements of the act. The disclaimer must contain the identification of the person, the candidate, the principal campaign committee, or other political committee placing the ad. Under the FCPA, the term identification means full name and complete address. Failing to comply with advertising requirements is a Class A misdemeanor.

Campaign Signs:

Political signs are defined as signs identifying or urging voter support for a particular election issue, political party, or candidate for public office. These signs should be removed after of the election to which they pertain. Campaign signs may be placed in accordance with the City's temporary sign regulations. Generally, they may not be placed on rights-of-way or on trees, utility poles, rocks, fences, street lights, nor placed on any public property, and may not be illuminated. They may be placed on private property with permission of the property owner. No sign shall interfere with traffic visibility for entrance into and exit from the lot and adjacent lots and the visibility of traffic flow through nearby intersections. All campaign signs must contain an advertising disclaimer referencing the name and address of the campaign committee. No sign shall be located upon the public right-of-way of any collector street, thoroughfare, or highway). Please stress compliance with sign locations to campaign workers and supporters to avoid removal of these signs from the rights-of-way.

Voters List:

A candidate may obtain a list of the City of Montevallo voters from the Secretary of State. These lists are not available on a "walk-in" basis. A request can be made by calling the Elections Division at (334) 242-7210 or 1-800-274-8683. A Voter Registration Information Request must be completed, and returned to their office. They will quote you a cost for the list which is determined by the number of names or the number of pages depending on the information format requested. The cost is one cent (.01) per name for an electronic copy, or \$1.00 per printed page. Payment must be made to the Secretary of State before the list will be released. As of June 2016, the list contained approximately 3,452 names. The list is in a constant state of change due to new registrations, deaths, and persons moving into and out of the City.

In any event, candidates will receive from the City Clerk, free of charge, a CD containing an unofficial list of the registered voters already broken down by district/ward. This list is a draft version and may not be entirely accurate or complete. Updates will be emailed to the candidates as they are available.

Voter Identification:

Photo voter identification is required at the polling place and for absentee voters. The following forms of identification may be used:

- (1) A current valid Alabama drivers' license or nondriver identification containing a photo
- (2) A current valid photo voter identification or a valid photo identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification.
- (3) A valid United States passport
- (4) A valid employee identification card containing a photograph issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state
- (5) A valid student or employee identification card issued by a public or private college, university, or postgraduate technical or professional school located within the state, that contains a photograph

- (6) A valid United States military identification card that contains a photograph
- (7) A valid tribal identification card that contains a photograph

Absentee Ballots:

Regular Absentee Voting:

Any qualified elector who: (1) will be absent from the county on election day or (2) who because of physical illness or infirmity which prevents his or her attendance at the polls, whether he or she is within or without the county on the day of the election, or (3) who works on a shift which has at least ten hours which coincide with the hours the polls are open at his or her regular polling place, (4) who is enrolled as a student at an educational institution located outside the county of his or her personal residence, attendance at which prevents his or her attendance at the polls, (5) Who is a member of or spouse or dependent of a member of the armed forces of the United States, or is similarly qualified to vote absentee pursuant to the federal Uniformed Overseas Citizens Absentee voting Act or (6) who has been appointed as an election officer or named as a poll watcher at a polling place other than his or her regular polling place may apply for and vote an absentee ballot by mail or in person, provided he or she makes application in writing therefore not less than five days prior to the election in which he or she desires to vote.

The application shall be filed with the person designated to serve as the absentee election manager (City Clerk for Municipal elections). The application shall be in a form prescribed and designed by the Secretary of State and shall be used throughout the state or in the case of military personnel and their dependents, the federal postcard application may be used. Notwithstanding the foregoing, handwritten applications can also be accepted at any time prior to the five day deadline date to receive absentee ballot applications as provided in §17-10-3. The application shall contain sufficient information to identify the applicant and shall include the applicant's name, residence address, date of birth, voting precinct, or such other information necessary to verify the applicant is a registered voter. Each application shall be manually signed by the applicant, and if he or she signs by a mark, the name of the witness to his or her signature shall be signed thereon.

The application may be handed by the applicant to the absentee election manager or forwarded to him or her by United States mail. **No one other than the applicant himself or herself can return a ballot application. EXAMPLE: A husband cannot return an application for his wife. A mother cannot return an application for a son or daughter. The application cannot be placed in a drop box. The ballot must be returned in person or in the mail.** You must be a registered voter to vote absentee. If the person's name cannot be found on the voter list at the address provided on the application, the ballot will be marked with the word "Provisional" on the affidavit envelope before providing the provisional ballot and other provisional materials to the applicant. Once the absentee ballot application is received and a ballot mailed by the election official, your name will be stricken from the voter list used by poll workers on election day. If your situation changes and you are in the City and able to attend the polls, you will not be allowed to vote a regular ballot at the polls, however you may vote a provisional ballot. Separate applications for absentee ballots are required for elections which are more than 42 days apart except as to individuals voting pursuant to the federal Uniformed and Overseas Absentee Voting Act. Voters who wish to receive an absentee ballot for both the general election and the run-off election, if necessary, may submit this on a single application for an

absentee ballot for that election. Multiple applications of family members may not be returned in one envelope. Each application must be mailed separately.

Under Alabama Absentee Voting law, once the ballot application is returned and verified, the absentee voter will be handed or mailed a ballot along with instructions and a privacy envelope, a certification envelope, and a voter identification envelope. The ballot shall be marked and placed in the privacy envelope. This privacy envelope is placed in the certification envelope. If the certification envelope is not properly filled out, signed and witnessed or notarized, the vote will not be counted. The completed certification envelope will be placed in a third envelope of a different color along with a copy (not the original) of the voter identification document as outlined above under Voter Identification. If the voter identification document is missing the voter will be notified and given an opportunity to submit the proper identification to the absentee elections manager by 5:00 p.m. on the Monday before the election. If the proper identification is not received by this date and time, the ballot will be marked "Provisional", and forwarded to the Board of Registrars. If the voter fails to provide the proper identification to the Board of Registrars by 5:00 p.m. on the Monday following the election, the ballot will not be counted. Absentee ballots must be post marked not later than the day immediately preceding the date of the election, and must be received before 12:00 noon on the day of the election.

Emergency Absentee Voting:

A registered elector who requires emergency treatment by a licensed physician within five days of an election may apply for an emergency absentee ballot for the election and may vote by returning the absentee ballot no later than 5:00 p.m. on the day before the election is held. The attendant physician shall describe and certify the circumstances as constituting an emergency on a special form provided by the absentee election manager (City Clerk). The special form shall be attached to the application. An application for an emergency ballot may be forwarded to the absentee election manager by the applicant or his or her designee.

Any registered elector who is required by his or her employer under unforeseen circumstances to be out of the county on an emergency business trip on election day, shall apply for an emergency absentee ballot at the office of the absentee election manager (City Clerk) no later than the close of the business day one day prior to the election. The applicant shall sign or swear acknowledging that he or she was not aware of the out of county business requirement prior to five days before the election. After voting the ballot, the voter shall hand the ballot to the absentee election manager (City Clerk).

Penalties for Fraudulent Absentee Voting:

Any person who willfully changes an absentee voter's ballot to the extent that it does not reflect the voter's true ballot, who votes more than once by absentee in the same election, who willfully votes for another voter or falsifies absentee ballot applications or verification documents so as to vote absentee, or who solicits, encourages, urges, or otherwise promotes illegal absentee voting may be fined and/or imprisoned. Further, any person who knowingly and unlawfully votes absentee or votes both an absentee and regular ballot at any election shall be similarly punished.

Poll Watchers:

Each candidate may name one poll watcher for each polling location. Poll watchers should arrive at 6:30 a.m. on election day and present their letter of appointment signed by the candidate for which he/she is observing, and must swear an oath administered by the Chief Inspector to faithfully observe the rule of law prescribed for the conduct of elections. Poll Watchers shall be permitted to be present from the time the polls are opened until all the ballots are counted. On the morning of the election, Poll Watchers may witness the breaking of the seal on the machine and on the envelope containing the key or keys to the voting machines, and, when the machine has been opened, the watchers shall carefully examine each and every counter to see that it registers zero. Poll Watchers may observe the proceedings, but may not interfere with election officials and may not disturb voters casting their ballots, attempt to influence voters, campaign, or wear any campaign material or buttons while inside the polling place. Poll Watchers observe the verification and counting of the absentee ballots. Poll Watchers may witness the opening of the machine to remove accumulated ballots, and at the close of the polls, may witness the vote totals taken from each machine and the tabulation of the votes cast at the polling location. Cell phones will not be allowed in the polling place.

Voter Registration, Qualifications, and Changes:

Voter registration forms are available at Montevallo City Hall, the Parnell Public Library and the Shelby County Courthouses and Courthouse Annexes and all Alabama State Aid Offices. This form may also be electronically filed at www.alabamavotes.gov by selecting the “Register to Vote” tab, or from the Secretary of State’s web site at www.sos.alabama.gov, by going to the “Elections” tab and selecting “Register to Vote”. Information changes such as name or address changes may be made on these forms as well. Applicants must be a U. S. citizen, at least eighteen (18) years of age, and must have resided in the county of registration for at least thirty (30) days. Voters in municipal elections must have resided in the city for thirty (30) days prior to the date of the election. Voters must be registered at least fourteen (14) days prior to the election.

PLEASE NOTE: All voters in the Municipal General, Special, or Run-Off Elections will cast their ballots at the Orr Park Building (Johnnie Holsombeck Recreation Center) at 420 Vine Street. This change was approved by the Council by Ordinance No. 2222016-300 on February 22, 2016. This change is for Municipal Elections only. Voters will return to their normally assigned polling location for federal, state, and county elections.

Council Information:

As of March 2016, our population is estimated at approximately 6,400.

The City Council of a municipality having 2,000 or more residents is required to meet at least two times per month. The current Council meets on Second and Fourth Monday nights at 6:00 p.m., with a work session beforehand at 5:30 p.m. Each Council sets out the date and time of their meetings at the organizational meeting.

In towns/cities having less than 12,000 population, the Mayor is the presiding officer at City Council

meetings and may cast a vote on matters pending before the Council. The Mayor does not have a veto power.

City Council Members do not receive a salary or any other compensation for their service. The Mayor receives \$6,000 per year in salary.

Open Meetings Act

Under the Alabama Open Meetings Act (OMA), municipal officials and municipal officials-elect may not meet in secret to discuss matters pending, or likely to be heard, before the City Council. All deliberations must take place in public. Serial meetings (a series of meetings attended by less than a quorum with a constant member at each meeting) may not be held. This includes discussions or deliberations between officials by e-mail or other electronic media. Any meeting or workshop of public officials or public officials-elect, either as a Council, a Council-elect, or any committee must be advertised, and the public must be allowed an opportunity to attend. There are very limited exceptions dealing with security and trade, but for the most part all discussion must take place in public. OMA also applies to all appointed city boards and committees.

Disclaimer:

This guide is provided as a service to candidates running in the municipal election. Use of this information is at the sole risk of the candidate. It is the responsibility of the candidate to verify information. The municipality or official distributing this form disclaim any responsibility or liability for failure to comply with any filing requirement or any other election law.

For additional information contact the Election Manager / City Clerk, Herman Lehman, at Montevallo City Hall –

Direct number (205) 665-2555, ext 105
E-mail hlehman@cityofmontevallo.com