

TOWN OF ECLECTIC 2020 Municipal Election

Information for Candidates

The following is general information pertinent to the Town 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 Town of Eclectic for the office of Mayor and for five Town Council positions on Tuesday, August 25, 2020. These are non-partisan, at-large elections. Candidates for Council positions must choose to run in either Place Number 1, Place Number 2, Place Number 3, Place Number 4, or Place Number 5. These Place numbers are for balloting purposes only and do not represent districts nor work area assignments. Work areas and committee assignments are determined 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 6, 2020 and the organizational meeting for the new administration will be held on Monday, November 2, 2020.

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 2020 municipal election is August 25, 2019. 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 with the Secretary of State and a Statement of Economic Interest with the Ethics

Commission must be filed within five days of reaching this threshold. 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 or used for expenses arising from their elected position. Surpluses may not be converted to personal funds. Personal funds contributed by the candidate to the 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 Town on the date the qualification papers are filed, and must have resided within the town 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.

Qualification Dates:

Candidates may qualify to run for office not earlier than Tuesday, July 7, 2020 at 8:00 a.m. (§11-46-22, Code of Alabama, 1975) nor later than Tuesday, July 21, 2020 at 5:00 p.m. (§11-46-25, Code of Alabama, 1975).

Qualification Fees:

A Statement of Candidacy must be filed along with a qualification fee of \$30.00 for the position of mayor or \$10.00 for a town council position, or an affidavit of indigency may be filed.

Withdrawals:

A candidate may withdraw as a candidate by giving written notice at any time prior to the date of the election. The qualifying fee is non-refundable.

Statement of Economic Interest:

The Ethics Law requires all candidates to file a statement of economic interest within five days of becoming a candidate. The election official (Town Clerk) must have proof of this filing from the Ethics Commission or the name shall not appear on the ballot. Incumbents 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 the address and telephone number are: Alabama Ethics Commission, P. O. Box 4840, Montgomery, Alabama 36103-4840, (334) 242-2997.

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 Town Clerk, Probate Judge, or the Secretary of State website www.sos.alabama.us/election. Act 2013-311 provides that the forms must be filed at the Elmore County Courthouse and that this is the responsibility of each candidate. For your convenience, the Probate Judges information is listed below. There are several filing deadlines prior to the election. **Please pay close attention to all filing deadlines.**

Probate Judge John Thornton
Elmore County Courthouse
P.O. Box 280
Wetumpka, Alabama 36092
(334) 567- 1140

A campaign committee must have at a minimum, a Chairman and a Treasurer. 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. 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. Any combined expenditures paid to the same person or vendor totaling over \$100, must be reported in the next reporting period and receipts or canceled checks must be retained. 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, a waiver of report may be filed when disclosure dates occur as long as total 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 probate judge in Elmore County.

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.

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. *We have this rule because it is distracting to voters overhearing conversations, and telling a friend (or a candidate) who they just saw in the polling place should not be allowed.* There is a state prohibition on recording or video taping in the polling area as it violates the secrecy of the balloting procedure and can be construed as voter intimidation. A voter may snap a picture of his/her own ballot, but may not photograph the ballot of another person. Each Chief Inspector of a polling location will be allowed a cell phone to be used for voter verification purposes to reach the Board of Registrars and/or the Municipal Election Manager (Town 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 shall be removed within one week of the election to which they pertain. Campaign signs 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. Signs placed in residential or agricultural areas may not exceed six (6) square feet in area and may not be placed closer than 11 ½' from the back of curb on any minor subdivision street. No sign shall be located upon the public right-of-way of any collector street, thoroughfare, or highway (Rights-of-way on these streets vary widely ranging from 50' to 300'). Please stress compliance with sign locations to campaign workers and supporters to avoid removal of these signs from the rights-of-way. Signs in commercial areas are tricky as each business district has maximum sign allowances for all signage on the site that must be considered.

In addition, the Town of Eclectic Sign Ordinance, Section 503.14 states that campaign signs may not be placed on right-of-ways or on trees, utility poles, rocks, fences, streetlights, or 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 onto and exit from the lot and adjacent lots and the visibility of traffic flow through nearby intersections. No sign may be placed on private property more than sixty (60) days prior to the election date. All political signs must be removed within seven (7) days following the election. Should there be a run-off, the political signs may remain on private property until said election has been determined and should be removed within seven (7) days of election.

Voters List:

A candidate may obtain a copy of the Town of Eclectic voters from the Secretary of State. You must specify on your request that you need the names of Town of Eclectic voters in Elmore County. 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. Payment must be made to the Secretary of State before the list will be released. The list is in a constant state of change

due to new registrations, deaths, and persons moving into and out of the Town. The Town Clerk is prohibited from reproducing his/her copy of the list obtained from the Secretary of State's office or from the Board of Registrar's office for any candidate or group.

Voter Identification:

Photo voter identification is required at the polling place and for absentee voters. (Valid means not expired.) 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

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. A poll watcher does not have to be an elector in the town.

Voter Registration, Qualifications, and Changes:

Voter registration forms are available at Eclectic Town Hall and the Elmore County Courthouse and all Alabama State Aid Offices. Voter registration may be done on-line from the Secretary of State's web site at www.alabamavotes.gov by selecting the "Voter Registration" icon, completing the form and submitting. If you do not have an Alabama drivers' license or no-driver ID card, you may be required to use the fillable form and print it for mailing. 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, or be 18 by Election Day. Eclectic is in Elmore county, and voters must be registered in that county. Voters in municipal elections must have resided in the town 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 Eclectic United Methodist Church 1035 Main Street.

Council Information:

The 2010 Census listed Eclectic's population at 1,100.

The Town Council of a municipality having a population of less than 2,000 residents is required to meet one time per month. The current Council meets on the Third Monday night at 6:00 p.m., but each Council sets out the date and time of their meetings at the organizational meeting.

In towns having less than 12,000 populations, the Mayor is the presiding officer at Town Council meetings and may cast a vote on all matters pending before the Council. The Mayor does not have a veto power.

The salary for the position of a Town Council member for the term to commence on November 2, 2020 will be \$100.00 per month (part-time position). The salary of the position of Mayor commencing on November 2, 2020 will be \$500.00 per month. Checks are issued at the council meeting each month.

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 Town Council. All deliberations must take place in public. A single member may not attend more than one serial meeting (a series of meetings attended by less than a quorum at each meeting). Information may be given, but debate may not occur at a serial meeting. This includes discussions or deliberations between officials by e-mail or other electronic media as these are subject to disclosure under the Alabama Open Records Act. Any meeting or workshop of public officials or public officials-elect, either as a Council, a Council-elect, or committee must be advertised, and the public must be afforded 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. All e-mails and correspondence pertaining to city matters, whether on a city device, personal device, or

device belonging to your employer, between fellow members or constituents, are public documents subject to disclosure.

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 Election Manager/Town Clerk Deborah Rowe at Town Hall –
Direct number (334) 541-4429 or by E-mail townclerk@townofeclectic.com.