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City of Tucson ♦ 2021 Elections

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Primary Election  
August 3

General Election  
November 2

**Candidate  
INFORMATION  
Pamphlet**



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Prepared by the Office of the City Clerk

9th Floor City Hall  
255 W. Alameda, P.O. Box 27210  
Tucson, Arizona 85726-7210  
(520) 791-4213



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## ***INTRODUCTION***

***Welcome to the 2021 City of Tucson Candidate Information Pamphlet.*** This pamphlet is an important first step in the election process and was prepared by the City Clerk's Office to provide candidates with information regarding state and city election laws.

While every effort was made to provide a comprehensive overview of the election process for the City of Tucson, this pamphlet is NOT intended to provide legal advice or to eliminate the need for private legal counsel in answering specific election-related questions. For example, in the event a petition is challenged, it will be the candidate, and not the city, that is required to defend the legal sufficiency of the petition.

The City of Tucson appreciates your interest in the election process. Candidates and political action committees should contact the City Clerk's Office with any questions regarding the information contained in this pamphlet. All candidates and political action committees are urged to stay in contact with the City Clerk's Office to ensure they are following the most up-to-date regulations.

***Please note that underlined terms are defined in the glossary.***



### **OFFICE OF THE CITY CLERK**

**City Hall – 9<sup>th</sup> Floor**

**255 W. Alameda**

**Telephone: (520) 791-4213**

**Fax: (520) 791-4017**

**TDD: (520) 791-2639**

***Mailing Address:***

**P. O. Box 27210**

**Tucson, Arizona 85726-7210**

***Email:* [cityclerk@tucsonaz.gov](mailto:cityclerk@tucsonaz.gov)**

***Website:* [tucsonaz.gov/clerks](http://tucsonaz.gov/clerks)**

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## ***OVERVIEW***

In 2021, qualified electors of the City of Tucson will elect Council Members representing Ward 3, Ward 5, and Ward 6. Those elected will take office at 10 a.m. on Monday, December 6, 2021, and will serve for four years. The Mayor receives a salary of \$3,500 per month and each Council Member receives a salary of \$2,000 per month.

### ***PRIMARY ELECTION – Tuesday, August 3<sup>1</sup>***

Held to allow qualified political parties the opportunity to nominate and place on the General Election ballot candidates for the office of Council Member in Ward 3, Ward 5, and Ward 6. The Democratic, Republican, and Libertarian parties are qualified as of the printing of this document. Other political parties may participate in the Primary Election upon meeting qualifications for placement on the 2021 ballot.

*Qualified electors may vote for their party's candidate for Council Member in their council ward provided they:*

- have resided in Ward 3, Ward 5 or Ward 6 since July 4, 2021, and
- have registered to vote on or before July 5, 2021, (with a qualified political party), and
- will be 18 years of age or older on August 3, 2021.

### ***GENERAL ELECTION – Tuesday, November 2<sup>1</sup>***

Held to elect Council Members in Ward 3, Ward 5, and Ward 6.

*Qualified electors may vote for all offices and on all issues provided they:*

- have resided in the City of Tucson (regardless of City Ward) since October 3, 2021, and
- have registered to vote on or before October 4, 2021, (regardless of political party affiliation), and
- will be 18 years of age or older on November 2, 2021.

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<sup>1</sup> The Arizona Attorney General filed a Petition for Special Action in Case No. CV-20-0244-5A, challenging the City of Tucson Charter and Ordinance 11731, calling the 2021 Primary and General Elections, as a possible violation of Arizona Revised Statutes § 16-204.01. It is therefore possible that the election dates may change.

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## ***CANDIDATE QUALIFICATIONS***

A candidate for Council Member must have been a qualified elector and resident of the City of Tucson for not less than (3) years immediately prior to becoming a candidate.

Additionally, Council candidates must have resided in the ward for which nomination is sought at least one (1) year immediately prior to becoming a candidate, unless such residence has been shortened by the redistricting of the city as to wards. (Note: Time of residence in any area and being a qualified elector thereof will be counted toward residence and electoral qualifications within the city one (1) year after the area becomes annexed to the city.)

### **Nomination Procedures (See Page 10)**

Procedures regarding the nomination of candidates are set forth in the Nomination Procedures section in Chapter 1 of this pamphlet.

#### **Primary Election**

Individuals who are members of the Democratic, Republican or Libertarian parties may be nominated to participate in the Primary Election either by obtaining enough signatures of qualified City of Tucson electors to have their names printed on the official Primary Election ballot, or by becoming a write-in candidate. Candidates nominated in the Primary Election will be placed on the ballot for the General Election.

Pursuant to State Law a write-in candidate in the primary election must get the number of votes equal to the minimum number of signatures required on the nomination petitions for the same office in order to be placed on the General Election ballot.

#### **General Election**

Individuals who are NOT members of the Democratic, Republican or Libertarian parties may have their names placed on the General Election ballot either by obtaining the required number of Nomination Other Than by Primary petition signatures or by becoming write-in candidates.

### **State Campaign Financing Laws**

State Campaign Financing Laws have changed. All candidates must comply with state laws regarding campaign financing as well as Chapter XVI, Subchapter A of the Tucson Charter, and Chapter 12 of the Tucson Code. State laws pertain to the organization of candidate and other political action committees, mandatory limits on campaign contributions, campaign finance reporting, identification of campaign literature and advertisements and other campaign-related matters. Candidates, Treasurers and other interested individuals can download the state campaign financing laws at <http://www.azleg.gov/arsDetail/?title=16>.

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## ***BEFORE YOU DO ANYTHING ELSE***

*CONTACT THE CITY CLERK'S OFFICE FOR INFORMATION* such as rules, forms, and deadlines.

### ***When to File a Statement of Organization with the City Clerk [A.R.S. §16-905]***

A candidate shall file a Statement of Organization if the candidate receives contributions or makes expenditures, in any combination, of at least five hundred dollars (\$500.00) in connection with that candidacy. [A.R.S. § 16-905] The Statement of Organization must be filed with the City Clerk within ten (10) days after qualifying as a committee. [A.R.S. §16-906(A)] NOTE: candidates who wish to participate in the City's Public Funding Program are required to file a Statement of Organization prior to accepting contributions, making expenditures, or circulating nomination petitions.

- Contents of the Statement of Organization [A.R.S. § 16-906]:
  - Committee name, mailing address, e-mail address, website, if any, telephone number, and type of committee;
  - The name of a candidate's committee must include the candidate's first or last name and office sought;
  - The name, mailing address, e-mail address, website, if any, and telephone number of any sponsor;
  - The names, physical location or street address, e-mail address, telephone number, occupation and employer of the committee's chairperson and treasurer. The candidate may serve as both chairperson and treasurer;
  - The candidate's party affiliation;
  - The names of all banks or other financial institutions used by the committee. The committee does not have to provide account numbers;
  - A statement that the Chairman and Treasurer have read the filing officer's campaign finance and reporting guide, agree to comply with Title 16 Chapter 6 Article 1, and agree to accept all notifications and service of process via the e-mail address provided by the committee.

**Review Arizona Revised Statutes, Title 16, Chapter 6 for further information regarding formation of political action committees and campaign financing.**

### ***AMENDMENTS TO STATEMENT OF ORGANIZATION***

Committees must file an amended Statement of Organization within ten (10) days after any change in the required information. [A.R.S. § 16-906(C)]



***NOMINATION  
PROCEDURES***

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## ***NOMINATION PROCEDURES***

Presently there are three (3) qualified political parties (Democratic, Republican or Libertarian) eligible to participate in the 2021 City of Tucson Primary Election. A qualified candidate may seek nomination by one of these political parties through the nomination petition process or as a write-in candidate in the Primary Election.

**Pursuant to A.R.S. §§ 16-311(J) and 16-312(D), the City Clerk shall not accept the nomination paper of a candidate if the person is liable for an aggregation of \$1,000 or more in fines, penalties, late fees or administrative or civil judgments, including any interest or costs, in any combination, that have not been fully satisfied at the time of the attempted filing of the nomination paper and the liability arose from failure to comply with or enforcement of A.R.S. Title 16 Chapter 6.**

### ***METHODS OF NOMINATION***

#### ***Statement of Interest***

Aspiring candidates must submit a Statement of Interest to the City Clerk **prior** to collecting nomination petition signatures. The Statement of Interest includes the candidate's name, party affiliation, and office sought. [A.R.S. § 16-311(H)] Petition signatures collected prior to submission of the Statement of Interest are invalid and subject to challenge pursuant to A.R.S. § 16-351. **NOTE: this law went into effect on August 27, 2019.**

#### ***1. Name Printed on Primary Election Ballot***

**File: Saturday, March 6 through 5 p.m. Monday, April 5, 2021** [A.R.S. § 16-311(A)]

File the following with the City Clerk:

- Nomination Paper and Declaration of Qualification and Eligibility [A.R.S. § 16-311(A)(D)]
- Financial Disclosure Statement [A.R.S. § 16-311(I)]
- Nomination Petitions [A.R.S. § 16-314(A)]

NOTE: The City Clerk will not accept partial filings, late filings, or supplements to petitions already filed.

#### ***Signature Requirements***

The number of valid signatures on the petition must be equal to at least five percent (5%), but not more than ten percent (10%) of the votes cast by the party in the ward in the 2017 General Election. [A.R.S. § 16-322(A)(9); Tucson Code § 12-65(B)]

	DEMOCRATIC PARTY		REPUBLICAN PARTY		LIBERTARIAN PARTY	
	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
<b>WARD 3</b>	334	667	134	267	5	8
<b>WARD 5</b>	232	463	63	125	3	4
<b>WARD 6</b>	474	946	163	325	6	10

Successful candidates in the Primary Election will have their names placed on the General Election ballot.

## ***2. Write-in Candidates for Primary Election***

An individual who is a member of a qualified party (Democratic, Republican or Libertarian) may become a write-in candidate in the Primary Election unless the individual filed a nomination petition for the August 3 Primary Election and failed to provide a sufficient number of valid petition signatures. [A.R.S. § 16-312(F)(3)]

***Filing deadline for Primary Election: 5 p.m. June 24, 2021*** [A.R.S. § 16-312(B)]

File the following with the City Clerk:

- Nomination Paper, signed by the candidate, giving the person’s actual residence address or description of place of residence and post office address, age, length of residence in the state, city, ward (if applicable), and date of birth; [A.R.S. § 16-312 (A)]
- Declaration; [A.R.S. § 16-311 (D)]
- Financial Disclosure Statement [A.R.S. § 16-312(C)]

Note: Pursuant to State Law, a write-in candidate in the Primary Election must get the number of votes equal to the minimum number of signatures required on nomination petitions for the same office in order to be placed on the General Election ballot. [A.R.S. § 16-645(E)]

## ***3. Nomination Other Than by Primary for Placement on General Election Ballot***

A candidate who is not a member of a qualified political party may seek election through this method. This process shall *not* be used to place on the general election ballot the name of: [A.R.S. § 16-341(B)]

- A political party that fails to meet the qualifications specified for new political parties; or
- Any candidate representing such party; or

- 
- An individual who filed a nomination petition as a candidate in the Primary Election, but failed to qualify as the result of an insufficient number of valid signatures.

### ***Statement of Interest***

Aspiring candidates must submit a Statement of Interest to the City Clerk **prior** to collecting nomination petition signatures. The Statement of Interest includes the candidate's name, party affiliation, and office sought. [A.R.S. § 16-311(H)] Petition signatures collected prior to submission of the Statement of Interest are invalid and subject to challenge pursuant to A.R.S. § 16-351. **NOTE: this law went into effect on August 27, 2019.**

**File: Saturday, March 6 through 5 p.m. Monday, April 5, 2021** [A.R.S. § 16-341(C)]

- Nomination Paper and Declaration of Qualification and Eligibility [A.R.S. §§ 16-311(A), 16-341(J)]
- Financial Disclosure Statement [A.R.S. §§ 16-311(A), 16-341(J)]
- Nomination Petitions

NOTE: The City Clerk will not accept partial filings, late filings, or supplements to petitions already filed.

### ***Signature Requirements*** [A.R.S. §§ 16-341(E)(F)]

The number of valid signatures on the “Nomination Other Than by Primary” (NOP) petition must be at least three percent (3%) of the total number of registered voters who are NOT members of a qualified political party (Democratic, Republican or Libertarian). For Council Member candidates, the total is calculated using the total number of registered voters in the ward for which the candidate is seeking office. According to State law, the number of valid signatures required on NOP petitions will be based on the voter registration figures for the City of Tucson as of January 2, 2021. [A.R.S. § 16-341(F)] The City Clerk will provide signature requirements after that date.

Any registered voter can sign the petition for an NOP candidate, as long as they have not already signed a petition for another candidate running for the same office. For Council Member candidates, the signer must live in, and be a registered voter of, the ward for which the candidate is seeking office. [A.R.S. § 16-341(F)]

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#### ***4. Write-in Candidates for General Election***

An individual may become a write-in candidate for the General Election unless:

- The individual was defeated in the Primary Election; or [A.R.S. § 16-312(F)(1)]
- The individual filed nomination petitions for the Primary Election but did not collect a sufficient number of valid petition signatures; or [A.R.S. § 16-312(F)(2)]
- The individual filed a nomination petition for Nomination Other Than by Primary but did not collect a sufficient number of valid petition signatures. [A.R.S. § 16-312(F)(4)]

**Filing deadline for General Election: 5 p.m. September 23, 2021**

File the following with the City Clerk:

- Nomination Paper, signed by the candidate, giving the person's actual residence address or description of place of residence and post office address, age, length of residence in the state, city, ward (if applicable), and date of birth; and [A.R.S. § 16-312 (A)]
- Financial Disclosure Statement; and [A.R.S. § 16-312(C)]
- Declaration [A.R.S. § 16-311(D)]

## ***CIRCULATING NOMINATION PETITIONS***

Petition forms are available from the City Clerk, and the requirements that such petitions must meet are set forth in A.R.S. §§16-314, 16-315, and 16-321 (for Nomination by Primary), and in A.R.S. §16-341 (for Nomination Other Than by Primary).

### ***PETITION CIRCULATORS: [A.R.S. §§ 16-315(B), 16-321(D), 16-341(G)]***

- Each circulator must complete and sign the back of each signature sheet.
- A nomination petition for any candidate may be circulated by a person who is not a resident of this state but who is otherwise eligible to register to vote in this state if that person registers as a circulator with the secretary of state before circulating petitions.

### ***PETITION SIGNERS:***

Qualified electors entitled to sign nomination petitions are those who are qualified to vote for the candidate whose nomination petition they are signing. If signing a petition for council member, the signer must live in the ward for which the candidate is seeking nomination. **[A.R.S. §§ 16-321(B), 16-322(A)(9)]**

<b>IF CANDIDATE PARTY IS</b>	<b>THEN SIGNER PARTY CAN BE</b>	<b><i>SIGNER PARTY <u>NOT</u> ALLOWED</i></b>
<b>DEMOCRATIC</b>	Democratic Independent Any Party Except Those Not Allowed →	<i>Republican Libertarian</i>
<b>REPUBLICAN</b>	Republican Independent Any Party Except Those Not Allowed →	<i>Democratic Libertarian</i>
<b>LIBERTARIAN</b>	Libertarian Independent Any Party Except Those Not Allowed →	<i>Democratic Republican</i>
<b>NOMINATION OTHER THAN BY PRIMARY</b>	Any Registered Voter (as long as they have not already signed a petition for another candidate running for the same office)	

- An individual may sign only one petition for the same office. If an individual signs more than one nomination petition, the earliest signature will be valid, as determined by the date shown on the petition. If all the signatures are dated the same day, all the signatures are invalid. **[A.R.S. § 16-321(C)]**
- All signers must be at least eighteen (18) years old on the date of signing the petition. **[A.R.S. § 16-101(A)(2)]**

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***SIGNATURE WITHDRAWAL [A.R.S. §19-113]***

A signature may be withdrawn by the person who signed a nomination petition not later than 5:00 p.m. on the date the petition is filed with the City Clerk.

***PENALTY FOR PETITION FORGERY [A.R.S. § 16-351(G)]***

All petitions that have been submitted by a candidate who is found guilty of petition forgery must be disqualified, and the candidate is not eligible to seek election to a public office for at least five (5) years.

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## ***PRACTICAL TIPS***

### ***NOMINATION PETITIONS AND PAPERS***

*While every effort was made to provide a comprehensive overview of the nomination process for the City of Tucson, this pamphlet is NOT intended to provide legal advice or to eliminate the need for private legal counsel in answering specific election-related questions. For example, in the event a nomination petition is challenged, it will be the candidate, and not the city, that is required to defend the legal sufficiency of the nomination petitions and papers.*

- Pay attention to the date column of the petition. Incomplete or incorrect dates may result in the disqualification of the signature. Watch for signers who accidentally put phone numbers, zip code, date of birth, etc. in the date column.
- Remember that the City Clerk will accept ditto marks and other repeating marks in the address and date columns; just be sure the line being repeated is correct.
- Keep in mind that the City Clerk will not accept signatures found in the margins.
- Ensure that each circulator has completed and signed the back of each signature sheet. Errors may result in an entire page of petition signatures being disqualified.
- Be sure addresses are complete. Petition signers may use a P.O. Box if there is no actual residence address assigned, provided they are still a resident and registered voter of the City (and of the ward, if they are signing a petition for a candidate for council member). **[A.R.S. § 16-321(E)]**
- DO NOT make corrections to the heading AFTER the petition is circulated. Any discrepancies in this area could result in the candidate losing an entire page of petition signatures.
- PRIOR to filing, review EACH page of the petition as well as all other nomination papers for completeness.
- Be sure to bring the following papers to the City Clerk's office when filing. (The City Clerk will not accept partial filings of nomination petitions and nomination papers.)
  - Nomination Petitions
  - Nomination Paper and Declaration of Qualification and Eligibility **[A.R.S. §§ 16-311(A)(D)]**
  - Financial Disclosure Statement **[A.R.S. § 16-311(A)]**



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## ***WHAT TO EXPECT WHEN FILING NOMINATION PETITIONS AND PAPERS***

- It is recommended candidates make an appointment with the City Clerk’s Office to file nomination papers and petitions.
- Candidates should plan to spend 20-30 minutes in the City Clerk’s office. On the day of the filing deadline, there may be a longer wait, depending on the number of candidates filing at the same time. The City Clerk will process nomination petitions and papers in the order in which they are received.
- The City Clerk cannot accept partial filings of nomination papers (i.e., nomination papers will not be accepted without the Declaration and Financial Disclosure Statement). The City Clerk will not accept supplements to nomination petitions.
- After the City Clerk completes the review and determines the number of signatures on the nomination petitions, the candidate will be given a receipt.
- All documents filed are Public Records. Electronic and paper copies are available for twenty-five cents per image.

### ***CHALLENGING NOMINATION PETITIONS***

In the event any challenge is filed, it will be the person who submitted the petition, and not the City, that will be required to defend the legal sufficiency of the petition. It is the duty of the courts and not the City Clerk to determine the legal sufficiency of nomination petitions. The City Clerk need only determine that the nomination petitions substantially comply with the required form and contain the requisite number of signatures. The City Clerk has neither the right nor the duty to determine whether signers of the nominating petitions are qualified electors.

A candidate may also be challenged on grounds relating to the qualifications for office. [**Tucson Charter, Chapter XVI and A.R.S. §16-351(B)**]

### ***APPEALS OF VALIDITY OF NOMINATION PETITIONS (A.R.S. §16-351)***

Any elector filing any court action challenging the nomination of a candidate as provided for in this chapter shall do so no later than 5:00 p.m. of the tenth day, excluding Saturday, Sunday and other legal holidays, after the last day for filing nomination papers and petitions. Any such action must be heard and a decision rendered by the Superior Court within ten (10) days after filing the challenge. The Superior Court decision shall be appealable only to the Arizona Supreme Court, and notice of appeal shall be filed within five days after the decision of the Superior Court in the action. All challengers are required to specify in the action the petition number, line number and basis for dispute for each signature in question. [**A.R.S. § 16-351(A)**] The City Clerk is statutorily named as a party to the action and automatically receives “service of process” in any action challenging a nomination petition. The City Clerk is the designated agent for the person filing a nomination petition and, therefore, must immediately notify the person of the action. [**A.R.S. §§ 16-351(C)(D)**]

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## ***NEW PARTY REPRESENTATION***

Presently, the Democratic, Republican and Libertarian parties are eligible for representation on the City's primary and general election ballots. Other parties may gain recognition by submitting to the City Clerk a petition signed by a number of qualified electors of not less than two (2%) percent of the votes cast for Mayor at the last preceding Mayoral election. [A.R.S. § 16-802]

The petition must be submitted to the City Clerk for signature verification no later than 250 days prior to the primary election (by 5:00 p.m., November 25, 2020). [A.R.S. § 16-803(A)]

A party that has gained recognition is eligible to have candidates included on the August and November 2021 ballots.

- The signatures must be those of qualified city electors in not less than one-fourth (1/4) of the election precincts of the city. [A.R.S. § 16-802]
  - **Total Signatures Required: 1,977 qualified electors of the City of Tucson**
  - **Minimum Number of Precincts Represented as of June 30, 2020: (34)**
- The petition must be accompanied by an affidavit of ten (10) qualified electors of the City of Tucson asking that the signers of the petition be recognized as a new political party. [A.R.S. § 16-801(A)(1)]
- Circulators of the petition are not required to be a resident of the State of Arizona but otherwise must be qualified to register to vote in this state. If they are not a resident of the state, they must register as a circulator with the secretary of state. [A.R.S. § 16-315(B)(2)]

Acceptance of New Party petitions by the City Clerk does not preclude any qualified elector of the City from challenging the petitions. In the event of any such challenge, it will be the person and/or group who submitted the petition, and not the city, which will be required to defend the legal sufficiency of the petitions.

## ***NEW PARTY CANDIDATES*** [A.R.S. §16-322(C)]

Candidates representing a new party are subject to the same qualifications and filing requirements as those established for other candidates. In Primary Elections, the signature requirements for new party nominees is at least one-tenth of one percent (1/10 of 1%) of the total vote for the winning candidate for presidential electors on November 3, 2020 within the Ward. Signatures must be obtained from qualified electors who are eligible to vote for the candidate whose nomination petition they are signing.

# *CAMPAIGN FINANCING LAWS*

## *FORMING A POLITICAL COMMITTEE*

Public funding candidates must **ALSO** follow the Campaign Finance Administration Rules and Regulations

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## ***DUTIES OF THE TREASURER***

*The duties of the treasurer of a political committee are set forth in A.R.S. §16-907 and other campaign finance statutes. Some of the key duties include the following:*

- Authorize (or have a designated agent authorize) all expenditures for or on behalf of the political committee, and all petty cash disbursements.
- Deposit all contributions received by the political committee in a designated bank account.
- Segregate all monies of the political committee from monies of any individual, and do not commingle them.
- Segregate in different bank accounts contributions from individuals and political action committees from contributions from corporations, limited liability companies and labor organizations. NOTE: A.R.S. 16-907(B)(2) reads “contributions from individuals, partnerships, candidate committees, political action committees or political parties shall be segregated in different bank accounts from contributions from other donors.” Corporations, labor organizations, and LLCs may not contribute directly to candidates.
- Make (or have a designated agent make) “best efforts” to obtain any missing information for contributions received that are required to be itemized on a campaign finance report. Best effort includes an attempt by e-mail, text message, private message through social media or other similar communication or at least one oral effort that is documented in writing to identify the contributor of an incomplete contribution. [A.R.S. 16-901(5)]
- Any information required for the identification of a contributor received by the political committee after the contribution has been disclosed on a campaign finance report shall be reported on an amended report. [A.R.S. 16-907(C)]
- Be the custodian of the political committee’s books and accounts, keeping an account of all contributions or other monies received, identification of contributors, all expenditures, and all periodic or other statements for each designated account of the political committee.
- Preserve all records and copies of all finance reports required to be filed for two (2) years after the filing of the finance report covering the receipts and disbursements evidenced by the records. [A.R.S. §16-907(G)]
- On request of the City Attorney, or the City Clerk, or an enforcement officer, provide any of the records the treasurer is required to keep. [A.R.S. §16-907(H)]

## ***MANDATORY CONTRIBUTION LIMITATIONS FOR ALL CANDIDATES***

There are mandatory campaign contribution limitations that apply to all candidates. All potential candidates, political committees and others participating in the City of Tucson 2021 elections must comply with the following limitations on contributions from individuals and political committees: [A.R.S. §16-905]

<b>NEW 2021 LIMITS ON CAMPAIGN CONTRIBUTIONS TO CANDIDATES (per Campaign Period*)</b>		
\$500	Maximum contribution from an individual	Tucson Charter, Chapter XVI, Subchapter A, Sec. 2
\$1,000	Maximum contribution from political committees	Tucson Charter, Chapter XVI, Subchapter A, Sec. 2
\$13,100	Maximum contribution from a “Mega PAC”  (Per the Tucson Charter, Mega Pac contributions over \$1,000 may not be accepted by City of Tucson candidates)	A.R.S. § 16-914(B)
\$10,300	Maximum cumulative contribution to a nominee from all Political Parties	A.R.S. § 16-915(A)
\$500	Maximum contribution from a Family Member. Family Contributions are considered “Personal Monies” of the Candidate. Family contributions to Public Funding Candidates are not matched with public funds.	Tucson Charter, Chapter XVI, Subchapter A, Sec. 2; A.R.S. § 16-901 (40)(H)

\* Pursuant to the Tucson Charter, Chapter XVI and the Tucson Code, campaign period means the entire time from the date on which an individual becomes a candidate until the election or defeat of the candidate. The campaign period ends on the date the Mayor and Council canvass and declare the results of the election at which the candidate is elected or defeated.

- “Mega PAC Status” means official recognition that a political action committee has received contributions from five hundred (500) or more individuals in amounts of ten dollars (\$10.00) or more in the four-year period immediately before application to the Secretary of State.

A candidate committee may not make a contribution to another candidate’s committee. If the receiving candidate is participating in the Public Matching Funds program, additional limits apply. [Tucson Charter, Chapter XVI, Subchapter A, Sec. 2 and A.R.S. § 16-913]

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## ***CONTRIBUTION RESTRICTIONS***

*All committees should refer to state and local provisions for complete statutory information regarding limitations. The Tucson Charter and Tucson Code govern contribution limits to all City candidates, regardless of whether or not they participate in the Public Matching Funds program. See separate publication for guidelines concerning the political activities of City employees – available online at <http://www.tucsonaz.gov/files/clerks/pdf/PAG.pdf>.*

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## ***COMMITTEE TERMINATION STATEMENT*** [A.R.S. §§ 16-933 AND 16-934]

A political action committee may terminate only when the treasurer files a Termination Statement with the City Clerk. The committee treasurer must certify under penalty of perjury that it will no longer receive any contributions or make any disbursements, that the committee either has no outstanding debts or obligations, or that a creditor has agreed to discharge debts and obligations more than five (5) years old, and that any surplus monies have been disposed of pursuant to A.R.S. § 16-933 and the committee has no cash on hand.

The committee must also file a Campaign Finance Report stating the manner of disposition of the surplus, the name and address of each recipient of surplus monies, and date and amount of each disposition of surplus monies.

The City Clerk may reject the Termination Statement if it appears that the requirements listed in A.R.S. 16-934 (B) have not been met.

*After the filing of the above reports, no subsequent reports are necessary, and no further receipts or disbursements may occur without filing a new Statement of Organization.*

### ***DISPOSITION OF SURPLUS FUNDS***

*A political action committee that is not a public matching funds candidate committee can dispose of surplus monies only as follows:*

- Donate the surplus monies to the City of Tucson Election Campaign Account (to be used in the future as public matching funds), or to the county, state or local committee of a political party. Political action committees may be eligible to make additional contributions consistent with appropriate federal, state and local laws.
- Return surplus monies to the contributor. [A.R.S. §16-933(A)(1)]
- Contribute surplus monies within the limits prescribed in State Law. [A.R.S. Title 16, Chapter 6, Article 1.2 or any successor provisions]
- Donate surplus monies to a nonprofit organization that has tax exempt status under section 501(c)(3) of the internal revenue code. [A.R.S. §16-933(A)(4)]

Surplus monies cannot be used for or converted to personal use. [A.R.S. §16-933]

This does NOT preclude the repayment of a loan to a committee. [A.R.S. §16-933]

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# ***IDENTIFICATION OF CAMPAIGN LITERATURE AND ADVERTISEMENTS***

## ***GENERAL DISCLOSURE REQUIREMENTS***

- “Advertisement” means information or materials, other than non-paid social media messages, that are mailed, e-mailed, posted, distributed, published, displayed, delivered, broadcasted or placed in a communication medium and that are for the purpose of influencing an election. **[A.R.S. §16-901(1)]**

The following reporting and disclosure requirements are found in A.R.S. § 16-925 “Advertising and fund-raising disclosure statements”.

- 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 above, 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.



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(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.

This section (items A through D) 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.

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## ***PRACTICAL TIPS*** ***for FILING CAMPAIGN FINANCE REPORTS***

Ensure the committee has valid logins and passwords from the City Clerk to allow for electronic filing of the report. This should be done before the day the report is due.

- ✓ Contact the City Clerk before submitting a report to discuss any questions.
- ✓ Make sure that signature of the treasurer of the political action committee is included.
- ✓ Reports must be filed until a Termination Statement is filed with the City Clerk. **[A.R.S. §§16-933 and 16-934]**
- ✓ Make sure reports are filed on time. There are no provisions for exceptions or time extensions and state law requires that penalties be assessed for late filings. This includes reports that are not properly signed. **[A.R.S. §16-937]**
- ✓ Under state law, the committee treasurer must retain a copy of the reports for a period of two (2) years after the date of filing. **[A.R.S. §16-907(G)]**
- ✓ Reports may be viewed on the City Clerk's website [www.tucsonaz.gov/clerks](http://www.tucsonaz.gov/clerks).

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# ***CAMPAIGN FINANCE REPORTING***

## ***For Candidates who are NOT Participating in Public Matching Funds Program***

**[A.R.S. §16-927]**

***ALL*** candidates and political action committees must file Campaign Finance Reports with the City Clerk as required by state law. Standing political action committees must file campaign finance reports with the Secretary of State. Reports must be filed pursuant to the schedule outlined below until the political action committee has filed a termination statement. Reports for candidate committees must be cumulative for the current election cycle. Reports for political action committees must be cumulative for a two-year election cycle ending in the year of a statewide general election. **[A.R.S. 16-926(E)]** The committee treasurer must sign reports and provide certification of the signer under penalty of perjury that the report is true and complete. **[A.R.S. 16-926 (B)(5)]** *There are penalties for filing incomplete or late campaign finance reports.*

**Campaign finance reports must be received by the City Clerk by the following dates:**

**[A.R.S. § 16-927]**

### **REPORTING PERIOD**

### **FILING DEADLINE**

#### **Quarterly Report**

For Period of October 1, 2020 through December 31, 2020

**January 15, 2021**

#### **Quarterly Report**

For Period of January 1, 2021 through March 31, 2021

**April 15, 2021**

#### **Quarterly Report**

For Period of April 1, 2021 through June 30, 2021

**July 15, 2021**

#### **Pre-Primary Election Report**

For Period of July 1, 2021 through July 17, 2021

**\*July 24, 2021**

#### **Post-Primary Election Report**

For Period of July 18, 2021 through September 30, 2021

**October 15, 2021**

#### **Pre-General Election Report**

For Period of October 1, 2021 through October 16, 2021

**\*October 23, 2021**

#### **Post-General Election Report**

For Period of October 17, 2021 through December 31, 2021

**\*January 15, 2022**

**\*Reporting deadline extended to next business day. See A.R.S. §§ 1-243(A) and 1-303.**

The reporting period for a candidate committee's first campaign finance report must be for the entire election period to the last day of the current reporting period for which the first report is due. **[A.R.S. 16-927(B)]**

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### *Failure to File*

- A.R.S. § 16-937 specifies significant penalties for failure to file the State Campaign Finance Reports.
- If a committee fails to timely file a complete report as required by A.R.S. Title 16, Chapter 6, Articles 1 through 1.6, the City Clerk shall send a written notice by e-mail to the committee within five (5) days after the filing deadline that identifies the late report, describes how fines accrue and identifies methods of payment. **[A.R.S. §16-937(A)]**
- There is a late penalty of ten dollars (\$10) for each day the report is late during the first fifteen (15) days after the filing deadline and twenty-five dollars (\$25.00) for each subsequent day the report is late. Penalties accrue until the late report is filed. **[A.R.S. §16-937(B)]**
- If a committee fails to file a complete report within thirty (30) days after the filing deadline and after providing the five-day notice the City Clerk may contact the City Attorney for enforcement. **[A.R.S. 16-937(C)]**
- If a political action committee fails to file three consecutive Campaign Finance Reports, the City Clerk shall e-mail the committee a Notice of Temporary Suspension and the following will apply:
  1. On receipt, the committee's authority to operate in the City of Tucson is temporarily suspended.
  2. The notice shall state that failure to comply with all filing and payment requirements within thirty (30) days after the date of the notice shall result in permanent suspension of the committee's authority to operate in the City of Tucson. **[A.R.S. §16-937(D)]**

After notifying the committee of the intent to suspend, the City Clerk may permanently suspend the committee and shall notify the committee by e-mail and is not required to provide any further notice. Permanent or temporary suspension does not eliminate a committee's continuing obligation to file reports and pay any outstanding and accruing penalties provided by law.

***GLOSSARY***

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## ***GLOSSARY***

### **ADVERTISEMENT**

**A.R.S. § 16-901**

Information or materials, other than non-paid social media messages, that are mailed, e-mailed, posted, distributed, published, displayed, delivered, broadcasted or placed in a communication medium and that are for the purpose of influencing an election.

### **BEST EFFORTS**

**A.R.S. §16-907**

A process by which a committee must use their best efforts to get all required information for any incomplete contribution. The committee shall clearly ask for identification and inform the contributor that the committee is required by law to seek identification.

### **CANDIDATE COMMITTEE**

**ARS§16-901**

A Political committee designated and authorized by a candidate (see “political committee”). Includes the candidate.

### **CAMPAIGN CONTRACT**

**Tucson Charter XVI Subchapter B**

A signed agreement between a candidate and the City wherein the candidate agrees to abide by limitations on candidate’s contributions, limitations on campaign expenditures, and limitations on the use of all contributions as specified in the City Charter, in exchange for public matching funds.

### **CAMPAIGN FINANCE REPORTS**

**A.R.S. § 16-926; Tucson Code, Ch. 12**

All candidates must file the campaign finance reports required by the State of Arizona with the City Clerk. Candidates who participate in the City of Tucson’s public matching funds program must also file the campaign finance reports required by the Campaign Finance Administrator.

### **CAMPAIGN PERIOD (CAMPAIGN)**

**CFA Rules& Regs 2.4**

Encompasses the entire time from the date on which an individual becomes a candidate until the election or defeat of the candidate.

### **CANDIDATE**

**A.R.S. §16-901 & CFA Rules& Regs 2.9**

An individual who receives contributions or makes expenditures or who gives consent to another person to do so on their behalf in connection with the candidate’s nomination, election or retention for any public office.

An individual is deemed to be a candidate at such time as the first of any of the following events occur: 1) The individual receives a contribution or make an expenditure for a specified election, with the exception of contributions received or expenditures made by an exploratory committee formed for the purpose of determining whether the individual will become a candidate; or 2) The

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individual circulates or files nomination papers for a specified election; or 3) The individual publicly or formally declares candidacy for a specified election.

**CIRCULATOR PAGE AKA INSTRUCTIONS TO CIRCULATOR** **A.R.S. § 16-311**

Located on the back side of the nomination petition, includes both instructions to circulators as well as a certification for the circulator to sign verifying that they have fulfilled their duty as circulator as defined in A.R.S. §16-321.

**COMBINED FORM** *(includes the following):* **A.R.S. §§ 16-311 and 16-341**  
**NOMINATION PAPER**

A candidate must file a nomination paper at the time of filing for office. It must state the candidate’s actual residence address, mailing address and political party. It also must include the office and ward for which the candidate is seeking nomination, the exact manner in which his or her name is to be printed on the official ballot, and the date of the election.

The candidate’s name as it appears on the official ballot is limited to his or her surname and given name or names. Abbreviated versions of names, appropriate initials or nicknames are permissible and may be printed in quotation marks, but must not suggest reference to professional, fraternal, religious or military titles. The candidate’s surname is printed first.

**DECLARATION OF QUALIFICATION** **A.R.S. § 16-311; Tucson Charter Ch. XVI**

The affidavit includes facts sufficient to show the candidate meets the qualification requirements set forth in the Tucson Charter. (See page 5 for candidate qualifications.)

**CONTRIBUTION** **A.R.S. § 16-901**

Means any money, advance, deposit or other thing of value that is made to a person for the purpose of influencing an election. See A.R.S. § 16-901 for further information on what that includes.

*See Rules and Regs 2.14 re: Uncompensated Internet Activity*

**DAYS**

Calendar days unless otherwise specified.

**ELECTION CAMPAIGN ACCOUNT** **CFA Rules & Regs 2.17**

The account established by the Mayor and Council in the City’s general fund into which is deposited such sums as may be appropriated from time to time in the annual budget, gifts and donations made to the City for the support of public election campaign financing, and such sums as may otherwise be appropriated to said account. Money will be expended for the purpose of assisting the financing of public election campaigns.

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**EXPENDITURE****A.R.S § 16-901 AND CFA Rules & Regs 2.19**

Any purchase, payment or other thing of value that is made by a person for the purpose of influencing an election. *See Rules & Regs 2.14 re: uncompensated internet activity*

**FINANCIAL DISCLOSURE STATEMENT****Tucson Code § 12-54**

The financial disclosure is the candidate's statement covering the preceding 12-month period and is on a form prescribed by the City Clerk at the time of filing for office.

**INCOMPLETE CONTRIBUTION****CFA Rules & Regs 2.23**

Contribution missing information required by State law or Tucson Code: 1) The identification of the contributor; 2) for City contributors: a residence address and a daytime phone number; 3) Original signature of contributor.

**INDEPENDENT EXPENDITURE****A.R.S. § 16-901**

An expenditure by a person, other than a candidate committee that complies with both of the following: Expressly advocates the election or defeat of a clearly identified candidate and that is not made in cooperation or consultation with or at the request or suggestion of the candidate or the candidate's agent.

**NEW PARTY****A.R.S. §16-802**

A new political party that has gained recognition by successfully submitting a petition to the City Clerk using the process outlined on pg. 18.

**NOMINATION PETITIONS****A.R.S. §§ 16-314, 16-315, 16-315, 16-321, 16-322 and 16-341**

The form or forms used for obtaining the required number of signatures of qualified electors, which is circulated by or on behalf of the person wishing to become a candidate for a political office. (ARS 16-314(B))

Forms of petitions for both Nomination by Primary and Nomination Other Than by Primary are available from the City Clerk. For candidates who prefer to create their own petitions, the requirements are set forth in A.R.S. §§ 16-314, 16-315, and 16-321 (for Nomination by Primary), and in A.R.S. § 16-341 (for Nomination Other Than by Primary). A photograph of the candidate may appear on the petition.

**NOMINATION OTHER THAN BY PRIMARY****A.R.S§ 16-341**

A candidate who is not a registered member of a qualified political party may seek election through this method. The number of valid signatures must be equal to 3% of the total number of registered voters who are not members of a qualified political party.

**NOTICE OF DELINQUENCY AKA "FAILURE TO FILE"****A.R.S. § 16-937**

A written notice sent by e-mail to the committee within five days after the filing deadline that identifies the late report, describes how fines accrue and identifies methods of payment.



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**NOTICE OF TEMPORARY SUSPENSION**

**A.R.S 16-937**

A written notice sent by e-mail to the committee that fails to file three consecutive complete reports.

**PETITION CIRCULATOR**

**A.R.S § 16-321 (D)**

The person before whom the signatures were written on the signature sheet. This individual is not required to be a resident of this state but otherwise shall be qualified to register to vote in this state. If the person is not a resident of this state, they shall register as a circulator with the secretary of state.

Circulators are responsible for verifying 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 and, if for a partisan election, that each signer is a member of the party from which the candidate is seeking nomination, or the signer is a member of a political party that is not entitled to continued representation on the ballot pursuant to section 16-804 or the signer is registered as independent or no party preferred.

**POLITICAL ACTION COMMITTEE**

**A.R.S. 16-901**

An entity that is required to register as a political committee pursuant to A.R.S. § 16-905.

**“MEGA PAC STATUS” AKA “QUALIFIED” POLITICAL COMMITTEE (“SUPERPAC”)**

**A.R.S § §16-901, 16-905**

A committee that has received funds from 500 or more individuals in amounts of \$10 or more in the four-year period immediately before application to the Secretary of State for certification as “Mega PAC” status.

**QUALIFIED ELECTOR**

**A.R.S. §16-121**

A person who is both qualified to register to vote, pursuant to A.R.S. §16-101 and has properly registered to vote.

**PUBLIC MATCHING FUNDS**

**Tucson Charter Chapter XVI**

A voter approved program, by which candidates who sign a contract with the Campaign Finance Administrator (City Clerk) agree to abide by limitations to their use of personal monies, campaign expenditures and use of all contributions, in exchange for public matching funds.

**REPORTING PERIOD**

The period of time covered in a campaign finance report, as prescribed in A.R.S. § 16-927.

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**STANDING POLITICAL COMMITTEE**

**A.R.S. § 16-901**

"Standing political committee" means a political action committee or political party that is active in more than one reporting jurisdiction in this state and that files a statement of organization in a format prescribed by the Secretary of State.

**STATEMENT OF INTEREST**

**A.R.S. §§ 16-311, 16-341**

The form filed by any person who may be a candidate for office. Must be filed no later than the date of the first petition signature.

**SURPLUS FUNDS (MONIES)**

**A.R.S. §16-901**

Monies of a political committee remaining after all of the committee's expenditures have been made and its debts have been extinguished. For non-Public Matching Funds committees, these funds must be disposed of in accordance with A.R.S. §16-933.

**WRITE-IN CANDIDATE**

**A.R.S. §§ 16-312, 16-645**

A candidate who is a member of a qualified party whose name does not appear on the ballot, and therefore must be written in. Pursuant to state law a write-in candidate must receive the number of votes in the Primary Election equal to the minimum number of signatures required on nomination petitions for the same office in order to be placed on the General Election ballot.



# 2021 ELECTIONS – IMPORTANT DATES

## Primary – August 3, 2021      General – November 2, 2021

*Text in Italics applies only to candidates who sign a campaign contract with the City.*

**\* IF THE DEADLINE FALLS ON A SATURDAY, SUNDAY OR LEGAL HOLIDAY, THE DUE DATE WILL BE EXTENDED TO THE NEXT BUSINESS DAY**

### **JANUARY 1**

*First date candidates who sign campaign contracts may request public matching funds.*

### **JANUARY 15**

All candidates and political committees must file a Quarterly Campaign Finance Report for October 1, 2020 through December 31, 2020.

### **APRIL 15**

All candidates and political committees must file a Quarterly Campaign Finance Report for January 1, 2021 through March 31, 2021.

### **\*MARCH 6 – APRIL 5 (5 p.m.)**

Candidates file nomination papers:

- For the Primary Election ballot, or
- For Nomination Other than by Primary Election.

Nomination Papers include:

Nomination paper, declaration (of qualification), Financial Disclosure Statement, and Petitions

### **JUNE 24 (5 p.m.)**

Last day to file as a write-in candidate for Primary Election.

### **JULY 5**

Voter registration cutoff date for Primary Election.

### **JULY 15**

All candidates and political committees must file a Quarterly Campaign Finance Report for April 1, 2021 through June 30, 2021.

### **\*JULY 24**

All candidates and political committees must file a Pre-Election Campaign Finance Report for July 1, 2021 through July 17, 2021 (*consolidated City/State report may be filed by candidates who sign contracts*).

### **JULY 27 (5 p.m.)**

*Last day for candidates who sign Campaign Contracts to file a Statement to Establish Eligibility.*

### **AUGUST 3 - ELECTION DAY**

### **AUGUST 9**

Mayor and Council canvass and declare results of the Primary Election (*end of Campaign Period for unsuccessful Primary Election candidates who sign Campaign Contracts*).

### **AUGUST 13**

- *Candidates who sign Campaign Contracts must file a City Post-Election Report by this date.*
- *Last day candidate participating only in the Primary Election may request matching funds.*

### **SEPTEMBER 23 (5 p.m.)**

Last day to file as a write-in candidate for General Election.

### **OCTOBER 4**

Voter registration cutoff date for General Election

### **OCTOBER 15**

All candidates and political action committees in the Primary election must file a Post-Primary Election Campaign Finance Report for August 10, 2021 through September 30, 2021.

### **\*OCTOBER 23**

All candidates and political action committees must file a State Pre-General Election Campaign Finance Report for October 1, 2021 through October 16, 2021 (*consolidated City/State report may be filed by candidates who sign contracts*).

### **OCTOBER 26 (5 p.m.)**

*Last day to file a Statement to Establish Eligibility for candidates participating in the General Election.*

### **NOVEMBER 2 - ELECTION DAY**

### **NOVEMBER 8**

Mayor and Council canvass and declare the results of the General Election (*end of Campaign Period for all candidates who sign Campaign Contracts*).

### **NOVEMBER 12**

- *Candidates who sign Campaign Contracts must file a City Post-Election Campaign Finance Report by this date.*
- *Last day for candidates participating in the General Election to request public matching funds.*

### **DECEMBER 6**

Elected officials assume office at 10:00 a.m.

*Elected candidates who sign Campaign Contracts must file a Termination Statement by this date.*

### **DECEMBER 7**

*Unsuccessful Primary Election candidates who sign Campaign Contracts must file a Termination Statement by this date.*

### **\*JANUARY 15, 2022**

All candidates and political action committees must file a State Post-General Election Campaign Finance Report for October 17, 2021 through December 31, 2021.

### **MARCH 8, 2022**

*Unsuccessful General Election candidates who sign Campaign Contracts must file a Termination Statement by this date.*