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| AGENDA | Tuesday, May 9, 2017 | |
| Informational City Council Meeting | 4 PM | |
| Sioux Falls City Council | Carnegie Town Hall | |
| | 235 West 10th Street | |

1. Call To Order

2. City Council Open Discussion

3. Presentations

A. Chapter 38 Election Ordinances Update by Tom Greco, City Clerk
Presentation: Approximately 20 minutes followed by discussion

4. Executive Session

A. Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor per SDCL 1-25-2(1).

5. Adjournment

The City Council may include such other business as may come before this body.

Note: the Public Services Committee Meeting is canceled

Date: 2017-05-09
SIRE Meeting ID: 2584
Meeting Type: Informational Meeting

YouTube:<https://youtu.be/1CalIpB2QCw>
Agenda Item: Not Assigned
Item ID: 83731

The following document(s) are public records obtained from the
City of Sioux Falls.

Chapter 38 Election Ordinances Update

May 9, 2017



CITY CLERK

TOPICS

- City Ordinances & State Law
- City Ordinances
- State Law Highlights
- Revisions to City Ordinances



CITY ORDINANCES & STATE LAW

Section 38.001 PREAMBLE, Sioux Falls Code of Ordinances

The provisions of the **general election laws** of the State of South Dakota **shall apply** to all municipal elections unless specifically provided by city charter or city ordinance. **The provisions of state law on campaign finance applicable to state legislative office shall also apply to all elected municipal positions.**

The city clerk shall conduct all municipal elections provided by this chapter and by city charter. Any statement, form, or filing required by the **general election laws** of the state of South Dakota applicable to municipal elections shall be submitted to the city clerk's office.

The city council by ordinance may adopt specific filing and campaign finance reporting requirements for any municipal election **in addition to those provided by state law.**

By ordinance, the city may call for an advisory election on any issue to be presented to the voters at any regularly scheduled or special municipal election as otherwise allowed by law.

CITY ORDINANCES

- Districting Commission** {
 - [38.001](#) Preamble
 - [38.002](#) Council districts
 - [38.003](#) Election precincts
 - [38.004](#) Requirement of registration with city clerk to precede petition circulation for initiative or referendum in a municipal election

- 2017 Legislative Session** {
 - [38.005](#) Definitions
 - [38.006](#) Persons and entities required to submit campaign finance disclosure statements; time for submission
 - [38.007](#) Investigation and prosecution of violations by board of ethics
 - [38.008](#) Access to records by investigating authority
 - [38.009](#) Confidentiality of records
 - [38.010](#) Establishing council positions

- 2017 Legislative Session** {
 - [38.011](#) Election results
 - [38.999](#) Penalty



STATE LAW HIGHLIGHTS

- **SDCL 3-1A-4**
 - Elected Officials Financial Interest Statements
- **SDCL 9-13**
 - Timeline for recounts (SDCL 9-13-27.3)
 - Runoff Elections (9-13-26.1)
- **SDCL 12-27 (Campaign Finance Requirements)**
 - Various amendments and new sections
 - Definitions
 - Reporting → All campaign finance forms changing July 1, 2017
 - Contribution Limits



Contribution Limits

| Contribution limits to a PAC from: | |
|------------------------------------|-----------|
| Individual | \$10,000 |
| PAC | Unlimited |
| Party | Unlimited |
| Entity | \$10,000 |
| Statewide Candidate Committee | Unlimited |
| Legislative Candidate Committee | Unlimited |
| Ballot Question Committee | \$10,000 |

| Contribution limits to a Legislative or County Candidate from: | |
|--|------------|
| Individual | \$1,000 |
| PAC | Unlimited |
| Party | Unlimited |
| Entity | \$1,000 |
| Statewide Candidate Committee | Unlimited |
| Legislative Candidate Committee | Unlimited |
| Ballot Question Committee | Prohibited |

| Contribution limits to a Ballot Question from: | |
|--|-----------|
| Individual | Unlimited |
| PAC | Unlimited |
| Party | Unlimited |
| Entity | Unlimited |
| Statewide Candidate Committee | Unlimited |
| Legislative Candidate Committee | Unlimited |
| Ballot Question Committee | Unlimited |



From <https://sdsos.gov/elections-voting/campaign-finance/contribution-limits.aspx>

STATE LAW HIGHLIGHTS (cont'd)

- **SDCL 9-20-1 & 9-20-8**
 - Procedures for determining number of signatures for initiative & referendum (no change to 5% requirement)
- **SDCL 12-1-13**
 - Petition Challenges
- **SDCL 12-14-1.1**
 - Notification of precinct boundary changes



REVISIONS TO CITY ORDINANCES

- Districting Commission** {
 - [38.001](#) Preamble
 - [38.002](#) Council districts
 - [38.003](#) Election precincts
 - [38.004](#) Requirement of registration with city clerk to precede petition circulation for initiative or referendum in a municipal election

- 2017 Legislative Session** {
 - [38.005](#) Definitions
 - [38.006](#) Persons and entities required to submit campaign finance disclosure statements; time for submission
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- 2017 Legislative Session** {
 - [38.011](#) Election results
 - [38.999](#) Penalty



REVISIONS TO CITY ORDINANCES

- [38.003](#) Election precincts
- Review/update boundary descriptions

- [38.005](#) Definitions
- Repeal (definitions found in SDCL)

- [38.006](#) Persons and entities required to submit campaign finance disclosure statements; time for submission
- Add yearly Elected Officials Financial Interest Statement
 - Termination Statement for Ballot Question Committees

- [38.011](#) Election results
- “Secondary” → “Runoff”
 - Add provisions for 2nd place tie





QUESTIONS?

Date: 2017-05-09
SIRE Meeting ID: 2584
Meeting Type: Informational Meeting

YouTube:<https://youtu.be/1CalIpB2QCw>
Agenda Item: Not Assigned
Item ID: 83731

The following document(s) are public records obtained from the
City of Sioux Falls.

CHAPTER 38: ELECTIONS

Section

38.001 Preamble

38.002 Council districts

38.003 Election precincts

38.004 Requirement of registration with city clerk to precede petition circulation for initiative or referendum in a municipal election

38.005 Definitions

38.006 Persons and entities required to submit campaign finance disclosure statements; time for submission

38.007 Investigation and prosecution of violations by board of ethics

38.008 Access to records by investigating authority

38.009 Confidentiality of records

38.010 Establishing council positions

38.011 Election results

38.999 Penalty

Cross-reference:

City council, see ch. 30

Statutory reference:

Municipal elections, see SDCL ch. 9-13

§ 38.001 PREAMBLE.

The provisions of the general election laws of the State of South Dakota shall apply to all municipal elections unless specifically provided by city charter or city ordinance. The provisions of state law on campaign finance applicable to state legislative office shall also apply to all elected municipal positions.

The city clerk shall conduct all municipal elections provided by this chapter and by city charter. Any statement, form, or filing required by the general election laws of the state of South Dakota applicable to municipal elections shall be submitted to the city clerk's office.

The city council by ordinance may adopt specific filing and campaign finance reporting requirements for any municipal election in addition to those provided by state law.

By ordinance, the city may call for an advisory election on any issue to be presented to the voters at any regularly scheduled or special municipal election as otherwise allowed by law.

(Ord. 100-15, passed 11-2-2015)

§ 38.002 COUNCIL DISTRICTS.

(a) For all purposes relating to city elections beginning with the April 11, 2006, election, there shall be five city council districts.

(b) The districts shall be comprised of the following precincts:

- (1) District 1—Southwest is comprised of all precincts designated with the prefix 1.
- (2) District 2—Southeast is comprised of all precincts designated with the prefix 2.
- (3) District 3—Northwest is comprised of all precincts designated with the prefix 3.
- (4) District 4—Northeast is comprised of all precincts designated with the prefix 4.
- (5) District 5—Central is comprised of all precincts designated with the prefix 5.

(1992 Code, § 14-1) (Ord. 90-01, passed 10-15-2001; Ord. 34-02, passed 5-6-2002; Ord. 48-06, passed 4-3-2006; Ord. 100-15, passed 11-2-2015)

§ 38.003 ELECTION PRECINCTS.

(a) The city shall be divided into election precincts.

(b) Each election precinct is described as follows.

Precinct 1-1; reserved.

Precinct 1-2; described.

Election precinct number 1-2 shall be bounded on the north by 26th St., from Kiwanis Ave. east to Elmwood Ave.; on the east by Elmwood Ave., from 26th St. south to 37th St.; on the south by 37th St., from Elmwood Ave. west to Kiwanis Ave.; on the west by Kiwanis Ave., from 37th St. north to 26th St.

Precinct 1-3; described.

Election precinct number 1-3 shall be bounded on the west by Interstate 29, from 26th St. south to 41st St.; on the south by 41st St., from Interstate 29 east to Western Ave.; on the east by Western Ave., from 41st St. north, to 37th St., then west on 37th St. to Kiwanis Ave., then on Kiwanis Ave. north to 26th St.; on the north by 26th St., from Kiwanis Ave. west to Interstate 29.

Precinct 1-4; described.

Election precinct number 1-4 shall be bounded on the north by 41st St., from Louise Ave. east to Western Ave.; on the

east by Western Ave., from 41st St. south to 57th St.; on the south by 57th St. from Western Ave. to Louise Ave.; on the west by Louise Ave. from 57th St., north to 41st St.

Precinct 1-5; described.

Election precinct number 1-5 shall be bounded on the north by 41st St., from Interstate 29 east to Louise Ave.; on the east by Louise Ave., from 41st St. south to 57th St.; on the south by 57th St. from Louise Ave. to Interstate 29; on the west by Interstate 29 from 57th St., north to 41st St.

Precinct 1-6; described.

Election precinct number 1-6 shall be bounded on the north by 32nd St., from Marion Rd. east to Interstate 29; on the east by Interstate 29, from 32nd St. south to 57th St.; on the south by 57th St., from Interstate 29 west to Marion Rd.; on the west by Marion Rd., from 57th St. north to 32nd St.

Precinct 1-8; described.

Election precinct number 1-8 shall be bounded on the north by 32nd St., from Sertoma Ave. east to Marion Rd.; on the east by Marion Rd., from 32nd St. south to 41st St.; on the south by 41st St., from Marion Rd. west to Sertoma Ave.; on the west by Sertoma Ave., from 41st St. north to 32nd St.

Precinct 1-9; described.

Election precinct number 1-9 shall be bounded on the east by Marion Rd. from 41st St. to 57th St., on the south by 57th St. from Marion Rd. west to Holbrook Ave.; on the west by Holbrook Ave. from 57th St. to 41st St.; on the north by 41st St. from Holbrook Ave. to Marion Rd.

Precinct 1-10; described.

Election precinct number 1-10 shall be bounded on the east by Holbrook Ave. from 41st St. to 57th St.; on the south by 57th St. from Holbrook Ave. to Sertoma Ave.; on the west by Sertoma Ave. from 57th St. to 41st St.; on the north by 41st St. from Sertoma Ave. to Holbrook Ave.

Precinct 1-11; described.

Election precinct number 1-11 shall be bounded on the west by Louise Ave. from Bitterroot St. to 57th St.; on the north by 57th St. from Louise Ave. to Western Ave.; on the east by Western Ave. from 57th St. to Bitterroot St.; and on the south by Bitterroot St. from Western Ave. to Louise Ave.

Precinct 1-12; described.

Election precinct number 1-12 shall be bounded on the west by Interstate Highway 29 from the south city limits to 57th St.; on the north by 57th St. from Interstate Highway 29 to Louise Ave.; on the east by Louise Ave. from 57th St. to 69th St., west on 69th St. from Louise Ave. to Mogen Ave., south on Mogen Ave. from 69th St. to 74th St., east on 74th St. from Mogen Ave. to Hughes Ave., south on Hughes Ave. from 74th St. to the city limits; and on the south by the south city limits from Hughes Ave. west to the west city limits.

Precinct 1-13; described.

Election precinct number 1-13 shall be bounded on the north by 57th St. from the northwest property line of 5001 S. Anthony Ave. east to Marion Rd.; on the east by Marion Rd. from 57th St. south to W. Bakker Park Rd.; on the south by W. Bakker Park Rd., from Marion Rd. west to 61st St., west on 61st St. to Sundowner

Ave.; on the west, north by Sundowner Ave. from 61st St. to the south property line of 5209 W. Sundowner Ave., west to the southwest property line of 5209 W. Sundowner Ave., north to the property line of 5204 S. Anthony Ave., west to Anthony Ave., north to the northwest property line of 5001 S. Anthony Ave.

Precinct 1-14; described.

Election precinct number 1-14 shall be bounded on the west by the west city limits from the south city limits to 57th St.; on the north by 57th St. from the west city limits to the northeast corner of 6601 W. 57th St.; on the east by 6601 W. 57th St. from 57th St. south to the southeast property line of 5208 S. Gazena Pl. (including 5305 S. Sundowner Ave.), west along the north property lines of W. 61st St. to the northeast property line of 6720 W. 61st St., south from the northeast property line of 6720 W. 61st St. south to the southeast property line of 6909 W. Jacob St.; on the south by the southeast property line of 6909 W. Jacob St. west to the west city limits, including 6001-6009 S. Sundowner Ave.

Precinct 1-15; described.

Election precinct number 1-15 shall be bounded on the west by Hughes Ave. from the south city limits north to 74th St., west on 74th St. to Mogen Ave., north on Mogen Ave. from 74th St. to 69th St.; on the north by 69th St. from Mogen Ave. to Louise Ave.; on the east by Louise Ave. from 69th St. to the south city limits; and on the south by the south city limits.

Precinct 1-16; described.

Election precinct number 1-16 shall be bounded on the north by the even-numbered properties along W. 61st St. from 6716 W. 61st St. east to Sundowner Ave.; along 61st St. east to W. Bakker Park Rd. and south and east on Bakker Park Rd. to Marion Rd.; on the east by Marion Rd. from Bakker Park Rd. north to 57th St., east to Interstate 29, south to the south city limits; on the south by the south city limits, from Interstate 29 west to Sundowner Ave.; on the west by the property line of 6125 S. Aaron Ave. to the north including the even- and odd-numbered properties along S. Aaron Ave. to the northwest property line of 6716 W. 61st St.

Precinct 1-17; described.

Election precinct number 1-17 shall be bounded on the east by Sertoma Ave. from 41st St. to 57th St.; on the south by 57th St. from Sertoma Ave. to S. Ellis Rd.; on the west by S. Ellis Rd. from 57th St. to 41st St.; on the north by 41st St. from S. Ellis Rd. to Sertoma Ave.; excluding all unincorporated areas within the bounded area.

Precinct 1-18; described.

Election precinct number 1-18 shall be bounded on the west by Louise Ave. from the south city limits to Bitterroot St.; on the north by Bitterroot St. from Louise Ave. to Western Ave.; on the east by Western Ave. from Bitterroot St. to the south city limits; and on the south by the city limits from Western Ave. to Louise Ave.

Precinct 2-1; described.

Election precinct number 2-1 shall be bounded on the south by 57th St. from Cliff Ave. to Western Ave.; on the west and north by Western Ave. north to the Big Sioux River, then east along the Big Sioux River to Cliff Ave.; on the east by Cliff Ave. from the Big Sioux River south to 57th St.

Precinct 2-2; described.

Election precinct number 2-2 shall be bounded on the north by 26th St. from the Big Sioux River east to Southeastern Ave.; south on Southeastern Ave. to 41st St.; east on 41st St. to Bahnson Ave.; on the east by Bahnson Ave. from 41st St. to 49th St. on the south by 49th St. from Bahnson Ave. to Cliff Ave.; on the west by Cliff Ave. from 49th St. to the Big Sioux River, north along the Big Sioux River to 26th St.

Precinct 2-3; described.

Election precinct number 2-3 shall be bounded on the north by 26th St. from Southeastern Ave. to Bahnson Ave.; on the east by Bahnson Ave. from 26th St. to 41st St.; on the south by 41st St. from Bahnson Ave. to Southeastern Ave.; on the west by Southeastern Ave. from 41st St. to 26th St.

Precinct 2-4; described.

Election precinct number 2-4 shall be bounded on the east by Bahnson Ave. from 18th St. to 26th St.; on the south by 26th St. from Bahnson Ave. to the Big Sioux River; on the west by the Big Sioux River and Interstate 229 from 26th St. to 18th St.; and on the north by 18th St. from Interstate 229 to Bahnson Ave.

Precinct 2-6; described.

Election precinct number 2-6 shall be bounded on the north by 26th St. from Bahnson Ave. to Sycamore Ave.; on the east by Sycamore Ave. from 26th St. to 41st St.; on the south by 41st St. from Sycamore Ave. to Bahnson Ave.; on the west by Bahnson Ave. from 41st St. to 26th St.

Precinct 2-7; described.

Election precinct number 2-7 shall be bounded on the north by 26th St. from Sycamore Ave. to the east city limits; on the east by the east city limits, from 26th St. to 41st St.; on the south by 41st St., from the east city limits to Sycamore Ave.; on the west by Sycamore Ave., from 41st St. extended to 26th St.

Precinct 2-8; described.

Election precinct number 2-8 shall be bounded on the north by 49th St. from the South Dakota Railroad Authority tracks to Sycamore Ave.; on the east by Sycamore Ave. from 49th St. to 57th St.; on the south by 57th St. from Sycamore Ave. to the South Dakota Railroad Authority tracks; on the west by the South Dakota Railroad Authority tracks from 57th St. to 49th St.

Precinct 2-9; described.

Election precinct number 2-9 shall be bounded on the north by 49th St. from Cliff Ave. to the South Dakota Railroad Authority tracks; on the east by the South Dakota Railroad Authority tracks from 49th St. to 57th St.; on the south by 57th St. from the South Dakota Railroad Authority tracks to Cliff Ave.; on the west by Cliff Ave., from 57th St. to 49th St.

Precinct 2-10; described.

Election precinct number 2-10 shall be bounded on the west by Western Ave. from Laquinta St. to 57th St.; on the north by 57th St. from Western Ave. to Minnesota Ave.; on the east by Minnesota Ave. from 57th St. to Laquinta St.; on the south by Laquinta St. from Minnesota Ave. to S. Killarney Ct., follow along S. Killarney Ct. to W. Laquinta St., north on Laquinta St. to Western Ave.

Precinct 2-11; described.

Election precinct number 2-11 shall be bounded on the west by Minnesota Ave. from the south city limits to 57th St.; on the north by 57th St. from Minnesota Ave. to Tomar Rd.; on the east by Tomar Rd. from 57th St. along the extension of Tomar Rd. to the south city limits; on the south by the extension of Tomar Rd. at the south city limits from the east city limits to Minnesota Ave.

Precinct 2-12; described.

Election precinct number 2-12 shall be bounded on the west by Tomar Rd. from the south city limits to 57th St.; on the north by 57th St. from Tomar Rd. to S. Cliff Ave.; on the east by S. Cliff Ave. from 57th St. to the south city limits; on the south by the south city limits from Cliff Ave. to the extension of Tomar Rd. at the south city limits.

Precinct 2-13; described.

Election precinct number 2-13 shall be bounded on the west by S. Cliff Ave. from the south city limits to 57th St.; on the north by 57th St. from S. Cliff Ave. to the east city limits; on the east by the east city limits from 57th St. to the south city limits; on the south by the south city limits from the east city limits to S. Cliff Ave.

Precinct 2-14; described.

Election precinct number 2-14 shall be bounded on the north by 41st St. from Bahnson Ave. to the east city limits; on the east by the east city limits from 41st St. to 57th St.; on the south by 57th St. from the east city limits to Sycamore Ave.; on the west by Sycamore Ave. from 57th St. to 49th St.; on the south by 49th St. from Sycamore Ave. to Bahnson Ave.; on the west by Bahnson Ave. from 49th St. to 41st St.

Precinct 2-15; described.

Election precinct number 2-15 shall be bounded on the west by Western Ave. from the south city limits to Laquinta St.; on the north by Laquinta St. from Western Ave. to S. Killarney Ct., follow S. Killarney Ct. to W. Laquinta St., east on W Laquinta St. to Minnesota Ave.; on the east by Minnesota Ave. from Laquinta St. to the south city limits; on the south by the south city limits.

Precinct 3-5; described.

Election precinct number 3-5 shall be bounded on the west by Interstate 29 from 6th St. (along the quarter section line extension) to the north city limits; on the north by the north city limits from Interstate 29 to the Burlington Northern Railroad tracks; on the east by the Burlington Northern Railroad tracks from the north city limits to 60th St. N.; on the east by Minnesota Ave. from 60th St. N. to Russell St.; on the south by Russell St. from Minnesota Ave. to West Ave.; on the east by West Ave. from Russell St. to 6th St; on the south by 6th St. (along the quarter section line extension) from West Ave. to Interstate 29.

Precinct 3-6; described.

Election precinct number 3-6 shall be bounded on the east by Prairie Ave. from 6th St. to 10th St.; then on 10th St. from Prairie Ave. to Menlo Ave., then on Menlo Ave. from 10th St. to 11th St. and the South Dakota Highway 42 intersection; on the south by South Dakota Highway 42 and 12th St. from Menlo Ave. to Interstate 29; on the west by the Interstate 29 from 12th St. to a point where 6th St. extended intersects Interstate 29; on the north by 6th St. extended from Interstate 29 to Prairie Ave.

Precinct 3-7; described.

Election precinct number 3-7 shall be bounded on the east by Hawthorne Ave. from 12th St. to 18th St.; on the south by 18th St. extended from Hawthorne Ave. to Interstate 29; on the west by Interstate 29 from a point where 18th St. extended intersects Interstate 29 to 12th St.; on the north by 12th St. from Interstate 29 to Hawthorne Ave.

Precinct 3-8; described.

Election precinct number 3-8 shall be bounded on the east by Willow Ave. from 18th St. to 26th St.; on the south by 26th St. extended from Willow Ave. to Interstate 29; on the west by Interstate 29 from a point where 26th St. extended intersects Interstate 29, to a point where 18th St. extended intersects Interstate 29; on the north by extended 18th St. from Interstate 29 to Willow Ave.

Precinct 3-9; described.

Election precinct number 3-9 shall be bounded on the north by 12th St., from Skunk Creek to Interstate 29; on the east by Interstate 29 from 12th St. to Skunk Creek; on the south and west by Skunk Creek, from Interstate 29 to 12th St.

Precinct 3-10; described.

Election precinct number 3-10 shall be bounded on the east by Sertoma Ave., north to 32nd St., then east on 32nd St. from Sertoma Ave. to Queens Ave., then north to 26th St.; on the north by 26th St. from Queens Ave. to Discovery Ave.; on the west by Discovery Ave. south to Alexandra St., then east to Grinnell Ave., then south to 41st St.; on the south by 41st St. from Grinnell Ave. to Sertoma Ave.

Precinct 3-11; described.

Election precinct number 3-11 shall be bounded on the east by Coughran Ct. from 26th St. to Severn Ln., then north to Skunk Creek; on the north by Skunk Creek from Severn Ln. to 12th St., then west to Sertoma Ave.; on the west by Sertoma Ave. from 12th St. to 26th St.; on the south by 26th St. from Sertoma Ave. to Coughran Ct.

Precinct 3-12; described.

Election precinct number 3-12 shall be bounded on the south by 12th St. from Interstate 29 to the west city limits; on the west by the west city limits from 12th St. to Madison St.; on the north by Madison St. from the west city limits to the Interstate 29; on the east by the Interstate 29; from Madison St. to 12th St.

Precinct 3-14; described.

Election precinct 3-14 shall be bounded on the south by Madison St. from Interstate 29 to the west city limits; on the west by the west city limits from Madison St. to the north city limits; on the north by the north city limits from the west city limits to Interstate 29; on the east by the Interstate 29 from the north city limits to Madison St.

Precinct 3-15; described.

Election precinct number 3-15 shall be bounded on the north by Skunk Creek, from Severn Ln. east to Interstate 29; on the east by Interstate 29, from Skunk Creek south to 32nd St.; on the south by 32nd St., from Interstate 29 west to Queens Ave.; on the west by Queens Ave., from 32nd St. north to 26th St., then east on 26th St. to Coughran Ct., then north on Coughran Ct. to Severn Ln., then north on Severn Ln. to Skunk Creek.

Precinct 3-16; described.

Election precinct number 3-16 shall be bounded on the east by Sertoma Ave. from 26th St. to 12th St.; on the north by 12th St. from Sertoma Ave. to the west city limits; on the west by the west city limits from 12th St. to 26th St. (along the quarter section line extension); on the south by 26th St. (along the quarter section line extension) from the west city limits to Sertoma Ave.

Precinct 3-17; described.

Election precinct number 3-17 shall be bounded on the east by Grinnell Ave. from 41st St. to Alexandra St., then west to Discovery Ave., then north to 26th St.; on the north by 26th St. from Discovery Ave. (along the quarter section line extension) to the west city limits; on the west by the west city limits from 26th St. (along the quarter section line extension) to 41st St.; on the south by 41st St. from the west city limits to Grinnell Ave.

Precinct 4-1; described.

Election precinct number 4-1 shall be bounded on the east by Cliff Ave. from Maple St. to the Burlington Northern Railroad; on the south by the Burlington Northern Railroad from Cliff Ave. to 6th St., then by 6th St. from the Burlington Northern Railroad to the Big Sioux River, the Big Sioux River from 6th St. to 8th St.; on the south by 8th St. from the Big Sioux River to Minnesota Ave.; on the west by Minnesota Ave. from 8th St. to 1st St., then by 1st St. from Minnesota Ave. to Prairie Ave., then by Prairie Ave. from 1st St. to Russell St., then by Russell St. from Prairie Ave. to Minnesota Ave., then by Minnesota Ave. from Russell St. to Maple St.; on the north by Maple St. from Minnesota Ave. to Cliff Ave.

Precinct 4-2; described.

Election precinct number 4-2 shall be bounded on the east by Interstate 229 from 10th St. to the Big Sioux River; on the south by the Big Sioux River from Interstate 229 to Cliff Ave.; on the west by Cliff Ave. from the Big Sioux River to 10th St.; and on the north by 10th St. from Cliff Ave. to Interstate 229.

Precinct 4-3; described.

Election precinct number 4-3 shall be bounded on the east by Interstate 229 from 6th St. south to 10th St.; on the south by 10th St. from Interstate 229 to Cliff Ave.; on the west by Cliff Ave. from 10th St. north to 6th St.; and on the north by 6th St. from Cliff Ave. to Interstate 229.

Precinct 4-4; described.

Election precinct number 4-4 shall be bounded on the east by Interstate 229 from the Burlington Northern Railroad to 6th St.; on the south by 6th St. from Interstate 229 to Cliff Ave.; on the west by Cliff Ave. from 6th St. to the Burlington Northern Railroad; on the north by the Burlington Northern Railroad from Cliff Ave. to Interstate 229.

Precinct 4-5; described.

Election precinct number 4-5 shall be bounded on the west by Minnesota Ave. from Maple St. north to the north city limits; on the north by the north city limits to Interstate 229 extended; on the east by Interstate 229 extended from the north city limits to Maple St.; and on the south by Maple St. from Interstate 229 to Minnesota Ave.

Precinct 4-6; described.

Election precinct number 4-6 shall be bounded on the south by Burlington Northern Railroad from Cliff Ave. to a point where Russell St. extended intersects the Burlington Northern Railroad, then east along Russell St. extended to the city limits; by the east city limits from Russell St. extended to the north city limits; on the north by the north city limits from the east city limits to Interstate 229 extended; on the

west by Interstate 229 extended from the north city limits to Maple St. extended, then on Maple St. extended from Cliff Ave., then by Cliff Ave. to the Burlington Northern Railroad.

Precinct 4-7; described.

Election precinct number 4-7 shall be bounded on the south by 6th St. from Sycamore Ave. to Interstate 229; on the west by Interstate 229 from 6th St. to the Burlington Northern Railroad; on the north by the Burlington Northern Railroad from Interstate 229 to a point where Russell St. extended intersects the Burlington Northern Railroad, then by Russell St. extended from the Burlington Northern Railroad to Sycamore Ave.; on the east by Sycamore Ave. from Russell St. extended to 6th St.

Precinct 4-8; described.

Election precinct number 4-8 shall be bounded on the south by 10th St./South Dakota Highway 42 from Sycamore Ave. west to Interstate 229; on the west by Interstate 229, from 10th St./South Dakota Highway 42 to 6th St.; on the north by 6th St., from Interstate 229 to Sycamore Ave.; on the east by Sycamore Ave. from 6th St. to 10th St./Highway 42.

Precinct 4-9; described.

Election precinct number 4-9 shall be bounded on the east by Bahnson Ave. from 10th St. to 18th St.; on the south by 18th St. from Bahnson Ave. to Interstate 229; on the west by Interstate 229 from 18th St. to 10th St./South Dakota Highway 42; and on the north by 10th St./South Dakota Highway 42 from Interstate 229 to Bahnson Ave.

Precinct 4-10; described.

Election precinct number 4-10 shall be bounded on the east by the east city limits from 10th St./South Dakota Highway 42 to 18th St.; on the south by 18th St. from the east city limits to Bahnson Ave.; on the west by Bahnson Ave. from 18th St. to 10th St./South Dakota Highway 42; and on the north by 10th St./South Dakota Highway 42 from Bahnson Ave. to the east city limits.

Precinct 4-11; described.

Election precinct number 4-11 shall be bounded on the south by 10th St./South Dakota Highway 42 from the east city limits to Sycamore Ave.; on the west by Sycamore Ave. from 10th St./South Dakota Highway 42 to Russell St. extended; on the north by Russell St. extended from Sycamore Ave. to the east city limits; on the east by the east city limits between Russell St. extended and 10th St./South Dakota Highway 42.

Precinct 4-12; described.

Election precinct number 4-12 shall be bounded on the east by the east city limits from 18th St. to 26th St.; on the south by 26th St. from the east city limits to Bahnson Ave.; on the west by Bahnson Ave. from 26th St. to 18th St.; on the north by 18th St. from Bahnson Ave. to the east city limits.

Precinct 5-1; described.

Election precinct number 5-1 shall be bounded on the east by Minnesota Ave. from 10th St. to 17th St.; on the south by 17th St. from Minnesota Ave. to Menlo Ave.; on the west by Menlo Ave. from 17th St. to 10th St.; and on the north by 10th St. from Menlo Ave. to Minnesota Ave.

Precinct 5-2; described.

Election precinct number 5-2 shall be bounded on the east by the Big Sioux River from 8th St. to Cliff Ave., then on Cliff Ave. from the Big Sioux River to 14th St.; on the south by 14th St. from Cliff Ave. to the Chicago Northwestern Railroad, then on the Chicago Northwestern Railroad to Minnesota Ave.; on the west by Minnesota Ave. from the Chicago Northwestern Railroad to 8th St.; on the north by 8th St. from Minnesota Ave. to the Big Sioux River.

Precinct 5-3; described.

Election precinct number 5-3 shall be bounded on the east by Minnesota Ave. from 17th St. to 26th St.; on the south by 26th St. from Minnesota Ave. to Menlo Ave.; on the west by Menlo Ave. from 26th St. to 17th St.; and on the north by 17th St. from Menlo Ave. to Minnesota Ave.

Precinct 5-4; described.

Election precinct number 5-4 shall be bounded on the east by Cliff Ave. from 14th St. to 21st St.; on the south by 21st St. from Cliff Ave. to Minnesota Ave.; on the west by Minnesota Ave. from 21st St. to the Chicago Northwestern Railroad; on the north by the Chicago Northwestern Railroad from Minnesota Ave. to 14th St., then east by 14th St. from the Chicago Northwestern Railroad to Cliff Ave.

Precinct 5-6; described.

Election precinct number 5-6 shall be bounded on the north and east by the Big Sioux River from Cliff Ave. to a point where 33rd St. extended intersects the Big Sioux River; on the south by 33rd St. extended from the Big Sioux River to Cliff Ave.; and on the west by Cliff Ave. from 33rd St. north to the Big Sioux River.

Precinct 5-7; described.

Election precinct number 5-7 shall be bounded on the east by Cliff Ave. from 21st St. to 33rd St.; on the south by 33rd St. from Cliff Ave. to 4th Ave.; on the west by 4th Ave. from 33rd St. to 21st St.; and on the north by 21st St. from 4th Ave. to Cliff Ave.

Precinct 5-8; described.

Election precinct number 5-8 shall be bounded on the east by 4th Ave. from 21st St. to 31st St.; on the south by 31st St. from 4th Ave. to Minnesota Ave.; on the west by Minnesota Ave. from 31st St. to 21st St.; and on the north by 21st St. from Minnesota Ave. to 4th Ave.

Precinct 5-9; described.

Election precinct number 5-9 shall be bounded on the east by Minnesota Ave. from 26th St. to 37th St.; on the south by 37th St. from Minnesota Ave. to Grange Ave.; on the west by Grange Ave. from 37th St. to 26th St.; and on the north by 26th St. from Grange Ave. to Minnesota Ave.

Precinct 5-10; described.

Election precinct number 5-10 shall be bounded on the east by Grange Ave. from 26th St. to 37th St.; on the south by 37th St. from Grange Ave. to Willow Ave.; on the west by Willow Ave. from 37th St. to 26th St.; and on the north by 26th St. from Willow Ave. to Grange Ave.

Precinct 5-11; described.

Election precinct number 5-11 shall be bounded on the east by Minnesota Ave. from 37th St. to the Big Sioux River; on the south by the Big Sioux River from Minnesota Ave. to Western Ave.; on the west

by Western Ave. from the Big Sioux River to 37th St.; and on the north by 37th St. from Western Ave. to Minnesota Ave.

Precinct 5-12; described.

Election precinct number 5-12 shall be bounded on the east by 4th Ave. from 31st St. to a point where 4th Ave. extended intersects the Big Sioux River; on the south by the Big Sioux River from a point where 4th Ave. extended intersects the Big Sioux River to Minnesota Ave.; on the west by Minnesota Ave. from the Big Sioux River to 31st St.; and on the north by 31st St. from Minnesota Ave. to 4th Ave.

Precinct 5-13; described.

Election precinct number 5-13 shall be bounded on the east and south by the Big Sioux River from 33rd St. extended to a point where 4th Ave. extended intersects the Big Sioux River; on the west by 4th Ave. extended from the Big Sioux River to 33rd St.; on the north by 33rd St. from 4th Ave. to a point where 33rd St. extended intersects the Big Sioux River.

Precinct 5-14; described.

Election precinct number 5-14 shall be bounded on the east by Menlo Ave. from 11th St. to 26th St.; on the south by 26th St. from Menlo Ave. to Willow Ave.; on the west by Willow Ave. from 26th St. to 18th St.; then on 18th St. from Willow Ave. to Hawthorne Ave., then on Hawthorne Ave. from 18th St. to 12th St.; and on the north by 12th St. from Hawthorne Ave. to the intersection of Grange Ave. and South Dakota Highway 42; then on South Dakota Highway 42 from the Grange Ave. intersection to the intersection of 11th St. and Menlo Ave.

Precinct 5-15; described.

Election precinct number 5-15 shall be bounded on the east by Cliff Ave. from the Burlington Northern Railway south to the Big Sioux River; on the south and west by the Big Sioux River from Cliff Ave. to 6th St.; on the north by 6th St. from the Big Sioux River to the Burlington Northern Railway, then the Burlington Northern Railway to Cliff Ave.

Precinct 5-17; described.

Election precinct number 5-17 shall be bounded on the north by 26th St., from Elmwood Ave. east to Willow Ave.; on the east by Willow Ave., from 26th St. south to 37th St.; on the south by 37th St., from Willow Ave. west to Elmwood Ave.; and on the west by Elmwood Ave., from 37th St. north to 26th St.

Precinct 5-18; described.

Election precinct number 5-18 shall be bounded on the east by Minnesota Ave. from 1st St. to 10th St.; on the south by 10th St. from Minnesota Ave. to Prairie Ave.; on the west by Prairie Ave. from 10th St. to 6th St., then on 6th St. from Prairie Ave. to West Ave., then north from 6th St. to Russell St.; and on the north by Russell St. from West Ave. to Prairie Ave., then on Prairie Ave. from Russell St. to 1st St., then on 1st St. from Prairie Ave. to Minnesota Ave.

(1992 Code, § 14-2) (Ord. 90-01, passed 10-15-2001; Ord. 34-02, passed 5-6-2002; Ord. 20-04, passed 3-1-2004; Ord. 33-04, passed 3-8-2004; Ord. 47-05, passed 5-2-2005; Ord. 112-05, passed 11-7-2005; Ord. 93-06, passed 8-7-2006; Ord. 23-08, passed 2-11-2008; Ord. 24-08, passed 2-11-2008; Ord. 58-08, passed 5-12-2008; Ord. 126-08, passed 10-20-2008; Ord. 74-09, passed 8-3-2009; Ord. 5-10, passed 2-8-2010; Ord. 88-11, passed 11-21-2011; Ord. 100-15, passed 11-2-2015; Ord. 6-16, passed 2-1-2016)

§ 38.004 REQUIREMENT OF REGISTRATION WITH CITY CLERK TO PRECEDE PETITION CIRCULATION FOR INITIATIVE OR REFERENDUM IN A MUNICIPAL ELECTION.

Persons seeking to propose or refer an ordinance or resolution shall first register with the city clerk's office before the petitions are circulated for signatures. Registration shall include the name of the organization, address, contact person and language of the proposed ordinance or resolution, or the title and date of passage of the ordinance or resolution being referred. A copy of the proposed resolution or ordinance will become public when petition circulation effort commences.

(1992 Code, § 14-50) (Ord. 102-80, passed 10-27-1980; Ord. 25-84, passed 2-13-1984; Ord. 39-84, passed 3-5-1984; Ord. 30-94, passed 4-4-1994; Ord. 41-02, passed 5-13-2002; Ord. 182-07, passed 11-19-2007; Ord. 8-12, passed 2-6-2012; Ord. 100-15, passed 11-2-2015)

§ 38.005 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BALLOT QUESTION. Any referendum, initiative, proposed city charter amendment or other measure submitted to voters at any election.

BALLOT QUESTION COMMITTEE. A person or organization that raises, collects or disburses contributions for the placement of a ballot question on the ballot or the adoption or defeat of any ballot question. A ***BALLOT QUESTION COMMITTEE*** is not a person, political committee or political party that makes a contribution to a ballot question committee. A ***BALLOT QUESTION COMMITTEE*** is not an organization that makes a contribution to a ballot question committee from treasury funds.

CANDIDATE. Any person who seeks election to the office of mayor or member of the city council, whether or not successfully. A person shall be deemed to seek election when he or she first:

- (1) Raises, collects or disburses contributions in excess of \$500;
- (2) Has created a candidate campaign committee for the purpose of obtaining office;
- (3) Files for office; or
- (4) Has authorized the solicitation of contributions or the making of expenditures.

CANDIDATE CAMPAIGN COMMITTEE. Any entity organized by a candidate to receive contributions and make expenditures for the candidate. Only one ***CANDIDATE CAMPAIGN COMMITTEE*** may be organized for each candidate.

CLEARLY IDENTIFIED. The appearance of the name, nickname, a photograph or a drawing of a candidate or public office holder or the unambiguous reference to the identity of a candidate or public office holder.

COMMERCIAL ADVERTISING. Selling the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public, whether through the use of newspapers, magazines, television or radio stations, billboard companies, direct mail advertising companies, printing companies, the internet or otherwise.

CONTRIBUTION.

(1) Any gift, advance, distribution, deposit or payment of money, or any other valuable consideration, or any contract, promise or agreement to do so; any discount or rebate not available to the general public; any forgiveness of indebtedness or payment of indebtedness by another person; or the use of services or property without full payment made or provided by any person, political committee or political party whose primary business is to provide these services or property for the purpose of influencing:

A. The election or re-election of any person to public office; or

B. The placement of a ballot question on the ballot or the adoption or defeat of any ballot question submitted.

(2) The term does not include services provided by a person as a volunteer for or on behalf of any candidate, political committee or political party, including the free or discounted use of a person's residence. Nor does the term include the purchase of any item of value or service from any political committee or political party. The purchase price of the item may not exceed the fair market value and may not include an intent to contribute beyond the item's value. A *CONTRIBUTION* does not include administration and solicitation of a contribution for a political action committee established by an organization and associated expenses, nor the use of an organization's real or personal property located on its business premises for those purposes. A *CONTRIBUTION* does not include nominal use of a candidate's real or personal property or nominal use of resources available at a candidate's primary place of business. Contributions are reportable upon delivery.

ELECTION. Any election for public office; any regular, special or runoff election; and any election on a ballot question.

EXPRESSLY ADVOCATE. Any communication which:

(1) In context has no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, public office holders or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question by use of explicit works of advocacy of election or defeat. The following words convey a message of express advocacy: vote, re-elect, support, cast your ballot for, reject and defeat; or

(2) If taken as a whole and with limited reference to external events, such as the proximity to the election, may only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates, public office holders or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question because:

A. The electoral portion of the communication is unmistakable, unambiguous and suggestive of only one meaning; and

B. Reasonable minds could not differ as to whether it encourages action to elect or defeat one or more clearly identified candidates, public office holders or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question or encourages some other kind of action.

IMMEDIATE FAMILY. A spouse of a candidate or public office holder, or a person under the age of 18 years who is claimed by that candidate or public office holder or that candidate's or public office holder's spouse as a dependent for federal income tax purposes or any relative within the third degree of kinship of the candidate or the candidate's spouse, and the spouses of these relatives.

INDEPENDENT EXPENDITURE. An expenditure, including the payment of money or exchange of other valuable consideration or promise made by a person, organization, political committee or political party to expressly advocate the election or defeat of a clearly identified candidate, or the placement of a ballot question on the ballot or the adoption or defeat of any ballot question, but which is not made to, controlled by, coordinated with, requested by, or made upon consultation with a candidate, political committee or agent of a candidate or political committee. The term does not include administration and solicitation of any contribution for a political action committee established by an organization and associated expenses, nor the use of an organization's real or personal property located on its business premises for those purposes. The term does not include any communication by a person made in the regular course and scope of the person's business or ministry or any communication made by a membership organization solely to any member of the organization and the member's family.

IN-KIND. A good or service provided at no charge or for less than its fair market value. The term does not include the value of services provided by a person as a volunteer for or on behalf of any candidate, political committee or political party, including the free or discounted use of any person's residence or office.

LOAN. A transfer of money, property, guarantee, or anything of value in exchange for an obligation, conditional or not, to repay in whole or in part.

ORGANIZATION. Any business corporation, limited liability company, nonprofit corporation, limited liability partnership, limited partnership, partnership, cooperative, trust except a trust account representing or containing only a contributor's personal funds, business trust, association, club, labor union, collective bargaining organization, local, state or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership, trade or professional association that receives its funds from membership dues or services fees, whether organized inside or outside the state, any entity organized in a corporate form under federal law or the laws of the state, or any group of persons acting in concert, which is not defined as a political committee or political party in this chapter.

PERSON. A natural person.

POLITICAL ACTION COMMITTEE. A person or organization that raises, collects or disburses contributions to influence the outcome of an election and who is not a candidate, candidate campaign committee, ballot question committee or a political party. A **POLITICAL ACTION COMMITTEE** is not any:

- (1) Person that makes a contribution to a political committee or political party; or
- (2) Organization that makes a contribution to a ballot question committee from treasury funds.

POLITICAL COMMITTEE. Any candidate campaign committee, political action committee or ballot question committee.

POLITICAL PARTY. Any state or county political party qualified to participate in a primary or general election, including any auxiliary organization of the political party. An auxiliary organization is any organization designated as an auxiliary organization in the political party's bylaws or constitution except any auxiliary organization that only accepts contributions to support volunteer activities of the organization and does not make monetary or in-kind contributions or any independent expenditures to any political committee.

PUBLIC OFFICE. Any mayoral or city council office.

RECOGNIZED BUSINESS ENTITY.

(1) Any:

A. Domestic corporation, limited liability company, nonprofit corporation, limited liability partnership or cooperative duly registered with the secretary of state as of the first day of January of the current calendar year, and which is currently in good standing;

B. Foreign corporation, limited liability company, nonprofit corporation, limited liability partnership or cooperative duly registered with the secretary of state as of the first day of January of the current calendar year, and which is currently in good standing; or

C. Entity organized in a corporate form under federal law.

(2) A political committee or political party is not a **RECOGNIZED BUSINESS ENTITY**. An organization which was established by or is controlled, in whole or in part, by a candidate, political committee or agent of a candidate or political committee is not a **RECOGNIZED BUSINESS ENTITY**.

VOLUNTEER. A person who provides services free of charge and does not receive compensation for services rendered.

(1992 Code, § 14-51) (Ord. 41-02, passed 5-13-2002; Ord. 58-05, passed 6-20-2005; Ord. 182-07, passed 11-19-2007; Ord. 125-08, passed 10-20-2008; Ord. 8-12, passed 2-6-2012; Ord. 77-13, passed 12-3-2013; Ord. 100-15, passed 11-2-2015)

§ 38.006 PERSONS AND ENTITIES REQUIRED TO SUBMIT CAMPAIGN FINANCE DISCLOSURE STATEMENTS; TIME FOR SUBMISSION.

(a) A campaign finance disclosure whose contents are specified by state law shall be signed and submitted to the city clerk's office by the treasurer of every candidate or candidate campaign committee, political action committee, political party, ballot question committee and public office holder pertaining to city elections. Any statement pursuant to this section shall be consecutive and shall cover contributions and expenditures since the last statement submitted.

(b) Submissions shall occur pursuant to the following schedule:

(1) Candidates shall submit a statement of financial interest:

A. Within 15 days after submitting nominating petitions; and

B. Within 15 days after assuming office, any corrections or additions.

(2) Candidates and candidate campaign committees shall have submitted a finance disclosure statement by 5:00 p.m. within three business days following and complete through:

A. December 31 of the year prior to a city municipal election;

B. The last business day of February preceding the election in an election year;

C. The last Monday one week prior to the election;

D. Sixty calendar days following the election for all candidates and newly elected officials who did not have a runoff and shall be considered the termination statement; and

E. For runoff candidates, 60 calendar days following the runoff election and shall be considered the termination statement.

(3) Ballot question committees shall have submitted a finance disclosure statement by 5:00 p.m. within three business days following and complete through:

A. The last business day of each month during the 90-day period immediately preceding the election;

B. The last Monday one week prior to the election;

C. Sixty calendar days following the election, and shall include the disposition of any remaining funds or obligations of the person or committee; and

D. The requirements of this division (b)(3) shall also apply to any person raising, collecting or disbursing money for the adoption or defeat of any question submitted to the voters at any election unless the person is engaging in these activities on behalf of a ballot question committee.

(4) Political action committees shall submit a finance disclosure statement with the city clerk by 5:00 p.m. within three business days from the last Monday one week prior to each city election. The statement shall cover the contributions and expenditures of the political action committee from the last submission with the secretary of state's office. A political action committee that regularly submits a campaign finance disclosure statement with the Federal Election Commission or a report of contributions and expenditures with the Internal Revenue Service is not required to submit a campaign disclosure statement.

(5) Public office holders for the city shall submit an end of the year finance disclosure statement by 5:00 p.m. within three business days after December 31, with the city clerk. The statement shall cover the contributions and expenditures for the preceding calendar year. If the public office holder submitted a financial disclosure statement during the course of a municipal election in the preceding calendar year, then the end of the year finance disclosure statement shall cover the contributions and expenditures from the last submission with the city clerk's office.

(1992 Code, § 14-68) (Ord. 182-07, passed 11-19-2007; Ord. 125-08, passed 10-20-2008; Ord. 91-09, passed 11-2-2009; Ord. 8-12, passed 2-6-2012; Ord. 100-15, passed 11-2-2015)

§ 38.007 INVESTIGATION AND PROSECUTION OF VIOLATIONS BY BOARD OF ETHICS.

The city attorney shall investigate violations of the provisions of this chapter by any persons not currently holding an elected office within the city and may prosecute any violation thereof not otherwise subject to the jurisdiction of the South Dakota Attorney General or applicable States Attorney. The Sioux Falls board of ethics shall investigate and make recommendations on possible violations of this chapter relating to any current city-elected official pursuant to the Ethics chapter of this Code. Any penalty recovered shall be paid to the city general fund. An action brought by the city attorney shall be commenced in Minnehaha County, in the county where the person resides, or in the county where the organization, political party or political committee has its principal office.

(1992 Code, § 14-78) (Ord. 182-07, passed 11-19-2007; Ord. 8-12, passed 2-6-2012; Ord. 77-13, passed 12-3-2013; Ord. 100-15, passed 11-2-2015)

§ 38.008 ACCESS TO RECORDS BY INVESTIGATING AUTHORITY.

The investigating authority may, for the purpose of enforcing the provisions of this chapter, inspect or examine any candidate campaign committee, political action committee, ballot question committee or political party records required to be maintained by this chapter. No person having charge, control or possession of candidate campaign committee, political action committee, ballot question committee or political party records may neglect or refuse the investigating authority reasonable access to any records required to be maintained by this chapter, which is necessary to enforce the provisions of this chapter.

(1992 Code, § 14-79) (Ord. 182-07, passed 11-19-2007; Ord. 8-12, passed 2-6-2012; Ord. 77-13, passed 12-3-2013; Ord. 100-15, passed 11-2-2015) Penalty, see § 38.999

§ 38.009 CONFIDENTIALITY OF RECORDS.

The investigating authority shall keep each record inspected or examined confidential except when the records are used to enforce provisions of this chapter.

(1992 Code, § 14-80) (Ord. 182-07, passed 11-19-2007; Ord. 8-12, passed 2-6-2012; Ord. 100-15, passed 11-2-2015)

§ 38.010 ESTABLISHING COUNCIL POSITIONS.

(a) The clerk shall designate alphabetically each individual at large council position to be filled by election. The position that is assigned to an individual at large council person is assigned also to the council person's successor in office.

(b) A candidate for council member at-large shall indicate on his or her nominating petition the specific position for which the candidate is running.

(1992 Code, § 14-84) (Ord. 104-98, passed 10-5-1998; Ord. 182-07, passed 11-19-2007; Ord. 100-15, passed 11-2-2015)

§ 38.011 ELECTION RESULTS.

(a) *Election by plurality.* In election for at-large council members and district council members, the person receiving the highest number of votes for that office is elected to that office. If no candidate receives 34% of the votes cast in that race, then the top two candidates shall be required to participate in a secondary election which shall be held three weeks from the date of the first election. At the secondary election, the two candidates receiving the highest number of votes at the first election shall be on the ballot. The person receiving the highest number of votes at the secondary election is elected.

(b) *Election by majority.* In elections for mayor, if no candidate in a race involving three or more candidates receives a majority of the votes cast for mayor, a secondary election shall be held three weeks from the date of the first election. At the secondary election, the two candidates receiving the highest number of votes at the first election shall be on the ballot. The person receiving the highest number of votes at the secondary election is elected.

(1992 Code, § 14-85) (Ord. 104-98, passed 10-5-1998; Ord. 182-07, passed 11-19-2007; Ord. 94-11, passed 12-12-2011; Ord. 100-15, passed 11-2-2015)

§ 38.999 PENALTY.

(a) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.999.

(b) A candidate or political committee that fails to timely file any statement, amendment, or correction required by this chapter subjects the treasurer responsible for filing to a civil penalty of \$50 per day for each day that the statement remains delinquent not to exceed \$3,000. The civil penalty shall be in addition to any criminal sanctions and shall be paid to the city clerk and deposited in the city general fund.

(1992 Code, § 14-73) (Ord. 182-07, passed 11-19-2007; Ord. 91-09, passed 11-2-2009; Ord. 100-15, passed 11-2-2015)