

FOR IMMEDIATE RELEASE

From: The City of Caldwell, Idaho

Date: November 8, 2019

City of Caldwell Asks County Clerk to Conduct Runoff Election

The City of Caldwell has been reviewing the relevant ordinance and statutes bearing on the question of whether a runoff election is required for Caldwell City Council, Seat 6, a three-person race in which no candidate received more than 50% of all votes cast. The Canyon County Elections Office initially indicated that no runoff is required based upon Idaho Code 50-412 which provides that "the candidate with the highest number of votes shall be declared elected." This is consistent with 30 years of practice in Caldwell City Council races where no candidate received more than 50% of the votes cast. Caldwell has understood the language of City Code 2-01-03, which refers to "a majority" being required for election to the Caldwell City Council, to mean the candidate with the most votes.

However, Canyon County has sought and received input from the Secretary of State's Office and the Office of the Idaho Attorney General. Those Offices read the applicable ordinance and statutes to mean that a Caldwell City Council candidate must receive more than 50% of all votes cast in order to win the election. In the event that no candidate receives more than 50%, a runoff election between the two candidates with the most votes is required by Idaho Code 50-707B.

The City of Caldwell understands the reasoning employed by the Secretary of State's Office and certainly respects the input of the Idaho Attorney General. For these reasons, the City has asked the Canyon County Clerk to conduct a runoff election for Caldwell City Council, Seat 6, between the two candidates receiving the most votes.

For past races where Caldwell City Council candidates have taken office after receiving less than 50% of the votes, the City Attorney's Office has advised Caldwell that because such candidates took office in good faith under the prevailing application of City Code, and in the absence of any objection or election contest, they hold their offices legitimately and legally.