House Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 51

HOUSE BILL 2491

AN ACT

AMENDING SECTION 9-821.01, ARIZONA REVISED STATUTES; RELATING TO CITY AND TOWN ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-821.01, Arizona Revised Statutes, is amended to read:

9-821.01. Declaration of statewide concern; nonpartisan city and town elections; districts; optional procedure

A. Arizona courts have recognized that the Constitution of Arizona requires the legislature's involvement in issues relating to elections conducted by charter cities, including initiative and referendum elections, the method of elections other than by ballot, laws relating to primary elections, voter registration laws to prevent abuse and fraud and campaign finance laws. The legislature finds that the conduct of elections described in this section is a matter of statewide concern.

B. Notwithstanding any other law, a city or town shall not hold any election on candidates for which there is any indication on the ballot of the source of the candidacy or of the support of the candidate.

C. Notwithstanding any other law, for any city or town that provides for election of city or town council members by district, ward, precinct or other geographical designation, only those voters who are qualified electors of the district, ward, precinct or other geographic designation are eligible to vote for that council member candidate in the city or town's primary, general, runoff or other election.

D. Notwithstanding any other law OR ANY CHARTER PROVISION, a city or town may by ordinance provide that at the primary election any candidate FOR THE OFFICE OF MAYOR OR CITY COUNCIL who receives a majority of all votes cast at such election shall be declared elected to the office for which he is a candidate, effective as of the date of the general election, and no further election shall be held as to such candidate. FOR THE PURPOSES OF THIS SUBSECTION, THE CITY OR TOWN BY ORDINANCE MAY PROVIDE THAT THE TOTAL OF ALL VOTES TABULATED FOR THE CANDIDATES FOR THE OFFICE OF MAYOR CONSTITUTES THE TOTAL NUMBER OF VOTES CAST AT THE ELECTION AND SHALL BE THE BASIS FOR CALCULATING WHETHER A CANDIDATE FOR MAYOR OR CITY COUNCIL HAS RECEIVED A MAJORITY OF ALL VOTES CAST AT THE ELECTION.

E. In addition to subsection D, any town with a population of five thousand persons or less according to the most recent United States decennial census may by majority vote of the qualified electors of the town voting on the question provide that at the primary election those candidates receiving the highest number of votes for the offices to be filled shall be declared elected to the office, and no further election shall be held if at least three-fifths of the seats are filled by persons receiving a majority of the votes cast as provided in subsection D.

Sec. 2. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR APRIL 14, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2010.