

House Engrossed Senate Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 176

SENATE BILL 1123

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 9-821.01. Declaration of statewide concern; nonpartisan city
5 and town elections; districts; optional procedure

6 A. ARIZONA COURTS HAVE RECOGNIZED THAT THE CONSTITUTION OF ARIZONA
7 REQUIRES THE LEGISLATURE'S INVOLVEMENT IN ISSUES RELATING TO ELECTIONS
8 CONDUCTED BY CHARTER CITIES, INCLUDING INITIATIVE AND REFERENDUM ELECTIONS,
9 THE METHOD OF ELECTIONS OTHER THAN BY BALLOT, LAWS RELATING TO PRIMARY
10 ELECTIONS, VOTER REGISTRATION LAWS TO PREVENT ABUSE AND FRAUD AND CAMPAIGN
11 FINANCE LAWS. THE LEGISLATURE FINDS THAT THE CONDUCT OF ELECTIONS DESCRIBED
12 IN THIS SECTION IS A MATTER OF STATEWIDE CONCERN.

13 B. NOTWITHSTANDING ANY OTHER LAW, A CITY OR TOWN SHALL NOT HOLD ANY
14 ELECTION ON CANDIDATES FOR WHICH THERE IS ANY INDICATION ON THE BALLOT OF THE
15 SOURCE OF THE CANDIDACY OR OF THE SUPPORT OF THE CANDIDATE.

16 C. NOTWITHSTANDING ANY OTHER LAW, FOR ANY CITY OR TOWN THAT PROVIDES
17 FOR ELECTION OF CITY OR TOWN COUNCIL MEMBERS BY DISTRICT, WARD, PRECINCT OR
18 OTHER GEOGRAPHICAL DESIGNATION, ONLY THOSE VOTERS WHO ARE QUALIFIED ELECTORS
19 OF THE DISTRICT, WARD, PRECINCT OR OTHER GEOGRAPHIC DESIGNATION ARE ELIGIBLE
20 TO VOTE FOR THAT COUNCIL MEMBER CANDIDATE IN THE CITY OR TOWN'S PRIMARY,
21 GENERAL, RUNOFF OR OTHER ELECTION.

22 ~~A- D. Notwithstanding any other provision of law, a city or town may~~
23 ~~by ordinance provide that at the primary election any candidate who receives~~
24 ~~a majority of all votes cast at such election shall be declared elected to~~
25 ~~the office for which he is a candidate, effective as of the date of the~~
26 ~~general election, and no further election shall be held as to such~~
27 ~~candidate, provided that nothing on the ballot shall be indicative of the~~
28 ~~source of the candidacy or of the support of the candidate.~~

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

37 ~~G. If a town elects to conduct primary elections which the provisions~~
38 ~~of subsection B apply, there shall not be anything on the ballot which is~~
39 ~~indicative of the source of the candidacy or of the support of the candidate.~~

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.

Passed the House July 1, 2009,
by the following vote: 31 Ayes,
24 Nays, 5 Not Voting

Passed the Senate June 15, 2009,
by the following vote: 17 Ayes,
11 Nays, 2 Not Voting

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona

S.B. 1123

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE
This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate July 1, 20 09

by the following vote: 11 Ayes,

10 Nays, 3 Not Voting

Robert L. Burnett
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

1st day of July, 20 09

at 10:15 o'clock A. M.

Susan K. Myers
Secretary to the Governor

Approved this 13th day of

July 2009

at 10:02 o'clock A. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13th day of July, 20 09

at 7:35 o'clock P. M.

Ken Blumett
Secretary of State