

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)

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

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

41 Sec. 2. Emergency

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

APPROVED BY THE GOVERNOR APRIL 14, 2010.

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

Passed the House February 24, 20 10

Passed the Senate April 12, 20 10

by the following vote: 55 Ayes,

by the following vote: 28 Ayes,

1 Nays, 4 Not Voting
with emergency

1 Nays, 1 Not Voting
with emergency

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

13 day of April, 20 10

at 8:50 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 14th day of

April

at 1:16 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 14th day of April, 20 10

at 8:56 o'clock a M.

[Signature]
Secretary of State

H.B. 2491