

Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 256

HOUSE BILL 2126

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-471.05; AMENDING SECTIONS 9-473 AND 9-822, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF SECTION 9-471.05, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO MUNICIPAL ANNEXATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, chapter 4, article 7, Arizona Revised Statutes, is
3 amended by adding section 9-471.05, to read:

4 9-471.05. Municipal annexation; size; exception

5 NOTWITHSTANDING SECTION 9-471, SUBSECTION H, FOR THE PURPOSES OF
6 ANNEXATION, A TERRITORY IS CONSIDERED CONTIGUOUS FOR THE PURPOSES OF SECTION
7 9-471, SUBSECTION A, IF:

8 1. THE TERRITORY ADJOINS THE EXTERIOR BOUNDARY OF THE ANNEXING CITY OR
9 TOWN FOR AT LEAST THREE HUNDRED FEET.

10 2. NINETY-FIVE PER CENT OF THE TERRITORY IS AT LEAST TWO HUNDRED FEET
11 IN WIDTH, EXCLUDING RIGHTS-OF-WAY AND ROADWAYS.

12 3. THE DISTANCE FROM THE EXISTING BOUNDARY OF THE ANNEXING CITY OR
13 TOWN WHERE IT ADJOINS THE ANNEXED TERRITORY TO THE FURTHEST POINT OF THE
14 ANNEXED TERRITORY FROM THAT BOUNDARY IS NO MORE THAN TWICE THE MAXIMUM WIDTH
15 OF THE ANNEXED TERRITORY.

16 Sec. 2. Section 9-473, Arizona Revised Statutes, is amended to read:
17 9-473. Redistricting; representation

18 A. The common councils of incorporated cities and towns may redistrict
19 and subdivide their territory into districts.

20 B. Each district shall contain a nearly equal number of inhabitants at
21 the time of the redistricting and shall consist of contiguous territory in as
22 compact form as possible. The redistricting shall not be made within six
23 months ~~prior to~~ BEFORE a city, town or district election.

24 C. Each district shall be entitled to one councilman or representative
25 in the governing body WHO IS ELECTED PURSUANT TO CHAPTER 7, ARTICLE 3 OF THIS
26 TITLE.

27 Sec. 3. Section 9-822, Arizona Revised Statutes, is amended to read:
28 9-822. Qualifications of voters

29 A. Except as provided in subsection B of this section, ~~no~~ A person is
30 NOT entitled to vote at an election in a city or town ~~who~~ IF THE PERSON has
31 not been a qualified elector as defined in section 16-121 in the city or town
32 for AT LEAST twenty-nine days preceding the election.

33 B. Any person who has resided for at least twenty-nine days preceding
34 an election in an area annexed at least twenty-nine days ~~prior to~~ BEFORE such
35 election by a city or town ~~shall be~~ IS entitled to vote at any such city or
36 town election, ~~provided he~~ IF THE PERSON is a qualified elector as defined in
37 section 16-121 ON THE TWENTY-NINTH DAY BEFORE THE ELECTION.

38 Sec. 4. Delayed repeal

39 Section 9-471.05, Arizona Revised Statutes, as added by this act, is
40 repealed from and after December 31, 2014.

1 Sec. 5. City or town primary election; majority vote
2 calculation; election held in 2014 or 2015

3 Notwithstanding section 9-821.01, subsection D, Arizona Revised
4 Statutes:

5 1. For a city or town that holds a primary election for city or town
6 council in 2014 or 2015, the majority of votes cast is determined by:

7 (a) Calculating the total number of actual votes cast for all
8 candidates for an office whose names were lawfully on the ballot for that
9 office.

10 (b) Dividing the sum reached pursuant to subdivision (a) of this
11 paragraph by the number of seats to be filled for the office.

12 (c) Dividing the number reached pursuant to subdivision (b) of this
13 paragraph by two and rounding that number to the highest whole number.

14 2. If more candidates receive a majority of votes cast than there are
15 seats to be filled for the office pursuant to paragraph 1 of this section,
16 from among those candidates who receive a majority of votes cast, the
17 candidates who receive the highest number of votes equal to the number of
18 seats to be filled for the office shall be declared elected to that office.

19 3. If at the primary election no candidate receives the majority of
20 the votes cast or the number of seats to be filled for the office is more
21 than the number of candidates who receive a majority of votes cast, of the
22 candidates who did not receive a majority of votes cast, the number of
23 candidates who advance to the general or runoff election shall be equal in
24 number to twice the number of seats to be filled for the office and the
25 candidates who received the highest number of votes for the office shall be
26 the only candidates at the general or runoff election. If more than one
27 candidate received an equal number of votes and that number was the highest
28 number of votes for the office, all candidates receiving the equal number of
29 votes shall be candidates at the general or runoff election. The candidates
30 equal in number to the seats to be filled for the office who receive the
31 highest number of votes at the general or runoff election shall be declared
32 elected to that office. If two or more candidates receive an equal number of
33 votes cast for the same office, and a higher number than any other candidate,
34 the candidate who shall be declared elected shall be determined by lot in the
35 presence of the candidates.

~~APPROVED BY THE GOVERNOR APRIL 30, 2014.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2014.~~

Passed the House March 6, 20 14

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]
Speaker of the House

Pro Tempore

Cheryl Laube

Chief Clerk of the House

Passed the Senate April 21, 20 14

by the following vote: 23 Ayes,

0 Nays, 7 Not Voting

[Signature]
President of the Senate

[Signature]

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2126

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 23, 2014,

by the following vote: 56 Ayes,

1 Nays, 3 Not Voting

Lee M. Tom

Speaker of the House

Cheryl Lamb

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 2014,

at 9:40 o'clock A M.

Mikhaela Howard

Secretary to the Governor

Approved this 30th day of

April, 2014,

at 11:54 o'clock A. M.

Janice H. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30th day of April, 2014,

at 4:21 o'clock P M.

Ken Blumenthal
Secretary of State

H.B. 2126