

Senate Engrossed

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

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. Nonpartisan city and town elections: districts:
5 optional procedure

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

9 B. NOTWITHSTANDING ANY OTHER LAW, FOR ANY CITY OR TOWN THAT PROVIDES
10 FOR ELECTION OF CITY OR TOWN COUNCIL MEMBERS BY DISTRICT, WARD, PRECINCT OR
11 OTHER GEOGRAPHICAL DESIGNATION, ONLY THOSE VOTERS WHO ARE QUALIFIED ELECTORS
12 OF THE DISTRICT, WARD, PRECINCT OR OTHER GEOGRAPHIC DESIGNATION ARE ELIGIBLE
13 TO VOTE FOR THAT COUNCIL MEMBER CANDIDATE IN THE CITY OR TOWN'S PRIMARY,
14 GENERAL, RUNOFF OR OTHER ELECTION.

15 ~~A- C.~~ Notwithstanding any other ~~provision of~~ law, a city or town may
16 by ordinance provide that at the primary election any candidate who receives
17 a majority of all votes cast at such election shall be declared elected to
18 the office for which he is a candidate, effective as of the date of the
19 general election, and no further election shall be held as to such
20 candidate, ~~provided that nothing on the ballot shall be indicative of the~~
21 ~~source of the candidacy or of the support of the candidate.~~

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

30 ~~C- If a town elects to conduct primary elections which the provisions~~
31 ~~of subsection B apply, there shall not be anything on the ballot which is~~
32 ~~indicative of the source of the candidacy or of the support of the candidate.~~