

REFERENCE TITLE: partisan offices; cities; towns

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2201

Introduced by
Representatives Carroll: Biasiucci, Blackman, Bolick, Payne, Toma, Senator
Livingston

AN ACT

AMENDING SECTION 9-821.01, ARIZONA REVISED STATUTES; RELATING TO PARTISAN
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
3 to read:

4 9-821.01. Declaration of statewide concern: partisan city and
5 town elections; districts

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
9 elections, the method of elections other than by ballot, laws relating to
10 primary elections, voter registration laws to prevent abuse and fraud and
11 campaign finance laws. The legislature finds that the conduct of
12 elections described 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~~ PRINT on the
15 ballot ~~of the source of the candidacy or of the support of the candidate~~
16 THE PARTY DESIGNATION FOR ALL CANDIDATES FOR THE OFFICE OF MAYOR OR CITY
17 OR TOWN COUNCIL.

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

24 ~~D. Notwithstanding any other law or any charter provision, a city~~
25 ~~or town may by ordinance provide that at the primary election any~~
26 ~~candidate for the office of mayor or city council who receives a majority~~
27 ~~of all votes cast at that election for that office shall be declared~~
28 ~~elected to the office for which the person is a candidate, effective as of~~
29 ~~the date of the general election, and no further election shall be held as~~
30 ~~to such candidate. For the purposes of this subsection, the majority of~~
31 ~~votes cast is determined by:~~

32 ~~1. Calculating the total number of actual votes cast for all~~
33 ~~candidates for an office whose names were lawfully on the ballot for that~~
34 ~~office.~~

35 ~~2. Dividing the sum reached pursuant to paragraph 1 of this~~
36 ~~subsection by the number of seats to be filled for the office.~~

37 ~~3. Dividing the number reached pursuant to paragraph 2 of this~~
38 ~~subsection by two and rounding that number to the highest whole number.~~

39 ~~E. If more candidates receive a majority of votes cast than there~~
40 ~~are seats to be filled for the office pursuant to subsection D of this~~
41 ~~section, from among those candidates who receive a majority of votes cast,~~
42 ~~the candidates who receive the highest number of votes equal to the number~~
43 ~~of seats to be filled for the office shall be declared elected to that~~
44 ~~office.~~

1 ~~F. If at the primary election no candidate receives the majority of~~
2 ~~the votes cast or the number of seats to be filled for the office is more~~
3 ~~than the number of candidates who receive a majority of votes cast, of the~~
4 ~~candidates who did not receive a majority of votes cast, the number of~~
5 ~~candidates who advance to the general or runoff election shall be equal in~~
6 ~~number to twice the number of seats to be filled for the office and the~~
7 ~~candidates who received the highest number of votes for the office shall~~
8 ~~be the only candidates at the general or runoff election. If more than~~
9 ~~one candidate received an equal number of votes and that number was the~~
10 ~~highest number of votes for the office, then all candidates receiving the~~
11 ~~equal number of votes shall be candidates at the general or runoff~~
12 ~~election. The candidates equal in number to the seats to be filled for~~
13 ~~the office who receive the highest number of votes at the general or~~
14 ~~runoff election shall be declared elected to that office. If two or more~~
15 ~~candidates receive an equal number of votes cast for the same office, and~~
16 ~~a higher number than any other candidate, the candidate who shall be~~
17 ~~declared elected shall be determined by lot in the presence of the~~
18 ~~candidates.~~

19 ~~G. In addition to subsection D of this section, any town with a~~
20 ~~population of five thousand persons or less may by majority vote of the~~
21 ~~qualified electors of the town voting on the question provide that at the~~
22 ~~primary election those candidates receiving the highest number of votes~~
23 ~~for the offices to be filled shall be declared elected to the office, and~~
24 ~~no further election shall be held if at least three-fifths of the seats~~
25 ~~are filled by persons receiving a majority of the votes cast as provided~~
26 ~~in subsection D of this section.~~

27 Sec. 2. Applicability

28 This act applies to city and town elections held on or after
29 January 1, 2020.