

REFERENCE TITLE: cities and towns; primary elections

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1536

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 9-821.01, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL 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; nonpartisan city
5 and town elections; districts; 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
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 on the ballot of
15 the source of the candidacy or of the support of the candidate.

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

22 D. Notwithstanding any other law or any charter provision, a city
23 or town may by ordinance provide that at the primary election any
24 candidate for the office of mayor or city council who receives a majority
25 of all votes cast at that election for that office shall be declared
26 elected to the office for which the person is a candidate, effective as of
27 the date of the general election, and a further election may not be held
28 as to such candidate, except that if the person holding the office of
29 mayor or city council at the time of the primary election is holding that
30 office by appointment as prescribed by section 9-235, the following apply:

31 1. A candidate for the remainder of that term in office who
32 receives a majority of all votes cast at the primary election both:

33 (a) Shall be declared elected after the canvass and certification
34 of the results of that primary election and on taking the oath of office.

35 (b) Shall be seated in accordance with subsection E of this
36 section.

37 2. A candidate for a new term in that office who receives a
38 majority of all votes cast at the primary election both:

39 (a) Shall be declared elected to the new term of office, effective
40 after the canvass, ~~and~~ certification of the results of that primary
41 election and RESOLUTION OF ANY ELECTION CONTEST AND on taking the oath of
42 office.

(b) May be seated to complete the remainder of **THE** existing term in accordance with subsection E of this section.

E. If more than one candidate receives a majority of all votes cast at the primary **ELECTION** for an office that is currently being served by a person who is appointed as provided in subsection D of this section, the order of seating the candidates shall be determined by the highest number of votes.

F. For the purposes of ~~subsection~~ **SUBSECTIONS D AND E** of this section, the majority of votes cast is determined by:

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

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

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

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

H. If at the primary election no candidate receives the majority of the votes cast or the number of seats to be filled for the office is more than the number of candidates who receive a majority of votes cast, of the candidates who did not receive a majority of votes cast, the number of candidates who advance to the general or runoff election shall be equal in number to twice the number of seats to be filled for the office and the candidates who received the highest number of votes for the office shall be the only candidates at the general or runoff election. If more than one candidate received an equal number of votes and that number was the highest number of votes for the office, then all candidates receiving the equal number of votes shall be candidates at the general or runoff election. The candidates equal in number to the seats to be filled for the office who receive the highest number of votes at the general or runoff election shall be declared elected to that office. If two or more candidates receive an equal number of votes cast for the same office, and a higher number than any other candidate, the candidate who shall be declared elected shall be determined by lot in the presence of the candidates. A write-in candidate may not advance to the general or runoff election if the write-in candidate did not receive a number of votes equivalent to at least the same number of signatures required by section 16-322 for nominating petitions for the same office.

1 I. In addition to subsection D of this section, any town with a
2 population of five thousand persons or less may by majority vote of the
3 qualified electors of the town voting on the question provide that at the
4 primary election those candidates receiving the highest number of votes
5 for the offices to be filled shall be declared elected to the office, and
6 a further election may not be held if at least three-fifths of the seats
7 are filled by persons receiving a majority of the votes cast as provided
8 in subsection D of this section.