Council Memorandum

City Clerk’s Office - Memo No. 19-010

Date: October 10, 2019

To: Mayor and Council

From: Dana DeLong, City Clerk

Subject: Final Adoption of Ordinance No. 4900 Ordering and Calling a Special Election to be held on March 10, 2020, for the Submission of a Proposed Amendment to the City Charter to Conform City of Chandler Elections with Recent Changes in State Law.

Recommendation: Staff recommends City Council adopt Ordinance No. 4900 ordering and calling a Special Election to be held on March 10, 2020, for the submission of a proposed amendment to the City Charter to conform City of Chandler Elections with recent changes in State law.

Background: State election law has established four consolidated election dates, and allows for charter cities to hold their municipal elections on any of the four consolidated dates. Prior to 2019, state law specified that the consolidated date for the fall primary election was required to be held on the tenth Tuesday before the first Tuesday after the first Monday in November. This matched the language in Chandler’s City Charter, and placed fall primary elections at the end of August of each year.

During the 2019 Arizona State Legislative Session, Senate Bill 1154 was adopted and changed the election consolidation date for fall primary elections beginning in 2020. The new fall primary consolidated election date is required to be held the first Tuesday in August.

With the adoption of the new state law, Chandler’s Charter is now in conflict with the state’s mandated consolidated election dates. In order for the City to conduct their 2020 Candidate Primary Election, an amendment to the Charter is required to be submitted to the qualified electors of the city, prior to the 2020 Primary Election, to align City of Chandler elections with the state-mandated consolidated election dates.

In addition, the ordinance authorizes the City Clerk to enter into an agreement with Maricopa County Elections department and any necessary vendors to coordinate the
administration of the elections in regards to services and fees, sets the last day to register to vote as February 10, 2020, and administers as a mail ballot election.

**Proposed Motion:** Move City Council adopt Ordinance No. 4900 ordering and calling a Special Election to be held on March 10, 2020, for the submission of a proposed amendment to the City Charter to conform City of Chandler Elections with recent changes in State law.

Attachment: Ordinance No. 4900
ORDINANCE NO. 4900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, COUNTY OF MARICOPA, STATE OF ARIZONA, ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD ON MARCH 10, 2020, FOR THE SUBMISSION OF A PROPOSED AMENDMENT TO THE CITY CHARTER TO CONFORM CITY OF CHANDLER ELECTIONS WITH RECENT CHANGES IN STATE LAW.

WHEREAS, Arizona Revised Statutes, Section 19-143 requires the adoption of an ordinance by the City Council to order special elections to be held on measures to be submitted to the qualified electors; and

WHEREAS, it is the desire of the City Council to propose an amendment to the City Charter to conform City of Chandler elections with recent changes in law; and

WHEREAS, it is the desire of the City Council to call a Special Election on March 10, 2020, for the purpose of submitting a City Charter amendment to the voters of the City of Chandler through the administration of a mail ballot election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That the proposed amendment to the City Charter for the City of Chandler, attached hereto as Exhibit "1" and by reference made a part hereof, be submitted to the vote of the qualified electors of the City of Chandler at a Special Election to be held on March 10, 2020.

Section 2. That the ballot language for such special election shall read as stated in Exhibit "2" attached hereto and by reference made a part hereof.

Section 3 The last day to register to vote is February 10, 2020, to be eligible to vote in the March 10, 2020, Special Election.

Section 4 The City Clerk is authorized to enter into any agreements with Maricopa County Elections Department and any necessary vendors to provide election services for the administration and payment of fees for services for the March 10, 2020, Special Election.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 7th day of October 2019.

ATTEST:

________________________________________  __________________________________________
CITY CLERK                                      MAYOR
PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 10th day of October, 2019.

ATTEST:

__________________________  ________________________
CITY CLERK                  MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4900 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 10th day of October, 2019, and that a quorum was present thereat.

__________________________
CITY CLERK

APPROVED AS TO FORM:

__________________________
CITY ATTORNEY

Published:
ARTICLE VII. -

Section 7.01. - City elections.

(a) Regular elections. The regular City election shall be held on the first Tuesday after the first Monday in November of each even numbered year. A primary election shall be held on the tenth Tuesday prior to the date of the regular election. ELECTIONS. A PRIMARY, REGULAR, OR SPECIAL ELECTION MAY, AT THE CITY COUNCIL’S DISCRETION, BE HELD CONCURRENTLY WITH ELECTION CONSOLIDATION DATES OR ANY OTHER ELECTION AUTHORIZED BY LAW.

(b) Qualified electors. All citizens qualified by the Constitution and laws of the State of Arizona to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified electors of the city within the meaning of this Charter.

(c) Conduct of elections. Except as otherwise provided by this Charter, the provisions of the election laws of the State of Arizona shall apply to MUNICIPAL elections held under this Charter.

(d) Majority vote to elect. At said primary election any candidate who shall receive a majority of all the votes cast at such election shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said candidate; provided that if more candidates receive a majority than there are offices to be filled, then those equal in number to the offices to be filled, receiving the highest number of votes shall be declared elected. Nothing on the ballot shall indicate the affiliation of any candidate with any other person, party or group.

(e) Nomination for regular elections. If at any primary election there be any office or offices to which no candidate therefor was elected, then said election shall be considered to be a primary election for the nomination of candidates for such office or offices and a second or regular election shall be held to vote for a candidate to fill such office or offices. The candidates not elected at such first election equal in number to twice the number to be elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, provided that, if there be any person who under the provisions of this section would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

(f) Arrangements of names not to reveal source of candidacy or support of candidates. The names of the candidates for each office shall be arranged as provided by law, and nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate.
EXHIBIT “2”

**OFFICIAL TITLE:** Ordinance No. 4900, Exhibit 1 of the Chandler City Council providing a proposed amendment to the Chandler City Charter changing the dates of City of Chandler elections to conform to state statute and election consolidation dates.

**DESCRIPTIVE TITLE:** The amendment proposes making changes to the dates that City of Chandler primary, general, and special elections can be held, conforming to changes in election consolidation dates made by state law.

A “YES” vote shall have the effect of changing the Charter to reflect the dates that City of Chandler elections will be held to conform with state statute and election consolidation dates.

A “NO” vote shall have the effect of retaining the existing Charter language that requires Chandler elections to be held on a different date than the state’s election consolidation dates.