



CITY OF SOUTH TUCSON ORDINANCE NO. 14-02

RELATING TO CITY COUNCIL; AMENDING CHAPTER 2, ADMINISTRATION; ARTICLE II, COMMON COUNCIL; DIVISION II, RULES OF ORDER AND PROCEDURE OF THE CITY OF SOUTH TUCSON CITY CODE. ADDING AND INSERTING NEW SECTION 2-38(NON-PARTISAN ELECTIONS); ADDING AND INSERTING NEW SECTION 2-39(COUNCIL MEMBER TERMS); INSERTING SECTION 1(PRIMARY ELECTION) TO ESTABLISH THE DATE OF PRIMARY ELECTIONS AND TO ESTABLISH THE BASIS FOR CALCULATING THE BASIS FOR CALCULATING THE MAJORITY OF VOTES CAST IN PRIMARY ELECTIONS THAT INCLUDE THE ELECTION OF COUNCIL MEMBERS; LENGTHENING THE TERMS OF THE MAYOR AND COUNCIL MEMBERS ELECTED IN 2011 AND 2013 TO CONFORM TO THE NEW ELECTION DATES AS PER A.R.S. § 16-204; AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, in 2012 the Arizona state legislature amended A.R.S. § 16-204 to consolidate all regular candidate elections in Arizona to the fall of even-numbered years; and

WHEREAS, the City of South Tucson has historically held its elections in the spring of odd- numbered years; and

WHEREAS, the Mayor and Council members of the City of South Tucson currently serving in office were elected in 2011 and 2013 to serve four-year terms; and

WHEREAS, the new law requires the City to adjust the length of the terms of the Mayor and Council members currently serving in office so that their terms will expire following the general election in November of even-numbered years; and

WHEREAS, in 2013 the Arizona state legislature adopted Senate Bill 1454 which provides that in order to comply with the consolidation of election dates as prescribed in A.R.S. § 16-204, the City may lengthen the terms of office for its elected officials; and

WHEREAS, Proposition 402 approved by the voters of the City of South Tucson in the General Election held on November 4, 2008 provides that in a primary election, any candidate receiving the number of votes constituting a majority of all the ballots cast shall be declared to be elected for the office for which he is a candidate, and no further elections shall be held as to said candidates provided that if more candidates receive the number of votes constituting a majority of all of the ballots cast than there are offices to be filled, then those candidates equal in number to the offices to be filled, receiving the highest number of votes shall be declared elected.

WHEREAS, Proposition 402 approved by the voters of the City of South Tucson in the General Election held on November 4, 2008 provides that if at any primary election there be any office or offices to which no candidate therefore was elected, then a general election shall be held to elect candidates to fill such office or offices. The candidates not elected at the primary 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 higher number of votes for the respective offices at the primary election, shall be the only candidates at the general 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 other candidates received an equal amount of votes therefore, then all such persons receiving said equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected, who shall receive the highest number of votes at a general election shall be declared elected to office. In any cases of ties, the decision as to the winner shall be determined by lot.

WHEREAS, the City Council finds that it is in the best interests of the City of South Tucson and its citizens to establish the basis for calculating the majority of votes cast in primary elections that include the election of Council Members as is provided in A.R.S. § 9-821.01, and to amend The City of South Tucson Code and to lengthen the terms of the City's elected officials to conform to the requirements of A.R.S. § 16-204

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, as follows;

Sec. 2-38. Non Partisan Elections

1. Qualifications

Each candidate for elective office shall have been a resident of the city for at least one year immediately preceding their filing of nomination papers, and shall continue residence in the city while in office.

2. Elections nonpartisan

Nothing on the ballot shall indicate the party affiliation of the candidates.

3. Majority to elect in primary

Any candidate who shall receive at the primary election, the number of votes constituting a majority of all of the ballots cast, shall be declared to be elected to the office for which he is a candidate, and no further elections shall be held as to said candidate provided that if more candidates receive the number of votes constituting a majority of all of the ballots cast than there are offices to be filled, then those candidates, equal in number of the offices to be filled, receiving the highest number of votes shall be declared to be elected.

4. General election

If at any primary election there be any office or offices to which no candidate therefore was elected, then a general election shall be held to elect candidates to fill such office or offices. The candidates not elected at the primary 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 the primary election, shall be the only candidates at the general 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 other candidate received an equal number of votes therefore, then all such persons receiving said equal number of votes shall likewise become candidates for such office. The candidates, equal in number to the persons to be elected, who shall receive the highest of votes at a general election shall be declared elected to such office. In any cases of ties, the decision as to winner shall be determined by lot. (Code 2007, Ord. No. 08-07)

Sec. 2-39. Council Member Terms

The Council Members shall serve four (4) – year staggered, overlapping terms, the terms of the Council Members elected in 2011 shall expire following the canvass of the general election in November of 2016, and the terms of the Council Members elected in 2013 shall expire following the canvass of the general election in November 2018. If no general election is held, the terms shall expire on the day the general election would have been held. (Code 2014, Ord. No. 14-02, 04-14-14, A.R.S. § 16-204)

1. Primary Election, Date; Declaration of Elected Candidate; Basis for Calculation Majority of Votes Cast at a Primary Election.

a. The date of the primary election of the City shall be the tenth Tuesday before the first Tuesday after the first Monday in November of even-numbered years.

b. In a primary election, the total number of all votes tabulated for the Office of Council Member constitutes the total number of votes cast at the election and

shall be the basis for calculating whether a candidate for Council member has received a majority of all votes cast at the election.

- c. A general election of the City of South Tucson shall be held on the first Tuesday after the first Monday in November of even numbered years.
2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effectiveness to this ordinance.
3. All ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provisions of this ordinance are hereby repealed effective as of the effective date of this ordinance.
4. If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

This ordinance shall become effective on the 30th day after its adoption, April 14, 2014.

Passed and adopted by the Mayor and Council of the City of South Tucson, Arizona, this 14th Day of April, 2014.



Mayor, Paul Diaz

ATTEST:



City Clerk, Veronica Moreno

APPROVED AS TO FORM:



City Attorney, Andrea L. Matheson