City of Benson
City Council Communication

Regular Meeting **October 14, 2013**

To: Mayor and Council Agenda Item # 2

From: Vicki Vivian, CMC, City Clerk

Subject:

Ordinance 566 of the Mayor and Council of the City of Benson, Arizona, changing the basis for calculation of a majority of votes cast at the Primary Election

Discussion:

Ordinance 566 is a proposed ordinance to provide a different calculation of what a "majority of votes cast" means. During the 2010 legislative session, the Legislature amended A.R.S. §9-821.01 to allow cities and towns by ordinance to establish a different method of calculating a majority of the votes cast at a Primary Election. Now that cities and towns are required to consolidate their elections with the State Primary Election, this ordinance is of interest.

The law was passed because voters in consolidated elections may choose not to vote in the City/Town part of the ballot, thereby creating a significant undervote. The statute prior to the amendment required the Clerk to calculate the majority using the total number of ballots cast in the election regardless of whether the voters marked their ballots in the City/Town part of the ballot. This amendment reduces the number of votes required to those that actually vote for the office of Mayor on the ballot.

Staff Recommendation:

Approval of Ordinance 566

ORDINANCE 566

AN ORDINANCE OF THE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, CHANGING THE BASIS FOR CALCULATION OF A MAJORITY OF VOTES CAST AT THE PRIMARY ELECTION

WHEREAS, the State Legislature has provided an alternative method for calculation of the votes cast at a City election for purposes of determining whether a candidate for Mayor or Council has received a majority of the votes cast at a primary election; and

WHEREAS, the City has consolidated its elections with the State election cycle resulting in the calculation of votes cast based on the total number of ballots cast unless the alternative is enacted by the City; and

WHEREAS, the City finds that the adoption of the alternative allowed by State law may reduce election expenses;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Benson, Arizona, as follows:

IN CALCULATING THE VOTES CAST IN THE CITY PRIMARY ELECTION FOR PURPOSES OF DETERMINING IF A CANDIDATE FOR THE OFFICE OF MAYOR OR COUNCIL HAS RECEIVED A MAJORITY OF THE VOTES CAST, THE BASIS SHALL BE THE NUMBER OF VOTES CAST FOR THE OFFICE OF MAYOR AT THAT ELECTION.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 14th day of October, 2013.

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TONEY D. KING, SR., Mayor

ATTEST:

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VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

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MICHAEL J. MASSEE, City Attorney

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