City of Benson
City Council Communication

Regular Meeting **September 12, 2016**

To: Mayor and Council Agenda Item # 4

From: Vicki Vivian, CMC, City Clerk

Subject:

Discussion and possible action regarding Resolution 32-2016 of the Mayor and Council of the City of Benson, Arizona, canvassing, declaring and adopting the results of the Primary Election held on August 30, 2016

Discussion:

This Resolution is a requirement that must be completed no later than 20 days after the election. Resolution 32-2016 officially approves the canvass of the votes cast in the August 30, 2016 Primary Election as follows:

1,032 Ballots Cast

For Mayor	Votes Received	For Councilmember	Votes Received
King, Sr., Toney D	655	Boyle, Pat	598
Write In	187	Garner, Levi	632
Over Votes	1	Jabkowski, Michael	458
Under Votes	189	Schmidt, Crystal	620
		Write In	19
		Over Votes	27
		Under Votes	742

A.R.S. §9-821.01 addresses the calculations of a majority of votes cast for the Mayor and Council seats. The steps to calculate the majority are 1 – add the total number of actual votes cast for all candidates for an office whose names were lawfully on the ballot for that office, 2 – divide that sum by the number of seats to be filled for that office and 3 – divide that number by 2 and round up to the highest whole number. If someone received more than this number of votes, they would be considered "seated" at the Primary election. If there were to be more candidates that received more than the majority than there were seats to be filled, the City would declare those candidates who receive the highest number of votes (equal to or over that number) to fill the number of seats.

Using this calculation, the following candidates are considered seated:

Mayor	Toney D. King, Sr.
Councilmembers	Levi Garner
	Crystal Schmidt
	Patrick Boyle

Due to all the open seats being filled, the General Election City ballot will only address the Alternative Expenditure Limitation (Home Rule).

Staff Recommendation:

Approval of Resolution 32-2016

RESOLUTION 32-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, CANVASSING, DECLARING, AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 30, 2016

WHEREAS, on the 30th day of August, 2016, a primary election of the qualified electors of the City of Benson, Arizona, was held for the purpose of electing one (1) mayor for a two-year term and three (3) councilmembers to each serve four-year terms; and

WHEREAS, the election returns, attached hereto as Exhibit "A" and incorporated herein by this reference, have been presented to and have been canvassed by the Mayor and City Council; and

WHEREAS, the election returns as canvassed show that there were 1,032 ballots cast; and

WHEREAS, the election returns as canvassed show the number of votes cast for each candidate is as follows:

FOR MAYOR	VOTES RECEIVED
KING, SR., TONEY D.	655
WRITE IN	187
OVER VOTES	1
UNDER VOTES	189

FOR COUNCILMEMBER	VOTES RECEIVED
BOYLE, PATRICK	598
GARNER, LEVI	632
JABKOWSKI, MICHAEL	458
SCHMIDT, CRYSTAL	620
WRITE IN	19
OVER VOTES	27
UNDER VOTES	742

WHEREAS, pursuant to Arizona law and the Benson City Code, Chapter 2, Article 2-3, Sections 2-3-3 and 2-3-4, at the Primary Election the candidate receiving a majority of all votes cast for the office of Mayor and the candidates receiving a majority of all votes cast for the office of Councilmember shall be declared to be elected to the offices of Mayor and Councilmember; and

WHEREAS, it appears that Toney D. King, Sr. received a number of votes constituting a majority of all the valid votes cast for the office of Mayor and should be deemed elected in accordance with Arizona law; and

WHEREAS, it appears that Levi Garner received a number of votes constituting a majority of all the valid votes cast for a 4-year term Councilmember and should be deemed elected in accordance with Arizona law; Crystal Schmidt received a number of votes constituting a majority of all the valid votes cast for a 4-year term Councilmember and should be deemed elected in accordance with Arizona law; and Patrick Boyle received a number of votes constituting a majority of all the valid votes cast for a 4-year term Councilmember and should be deemed elected in accordance with Arizona law; and

WHEREAS, there is no remaining office of Mayor or Councilmember that was not filled by a number of votes constituting a majority of all the valid votes cast for each office.

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

SECTION 1. That the total number of ballots cast at the primary election was 1,032.

SECTION 2. That Toney D. King, Sr. is declared to be elected to the office of Mayor effective as of the date of the General Election; Patrick Boyle is declared to be elected to the office of Councilmember effective as of the date of the General Election; Levi Garner is declared to be elected to the office of Councilmember effective as of the date of the General Election; and Crystal Schmidt is declared to be elected to the office of Councilmember effective as of the date of the General Election.

SECTION 3. That there is no remaining office of Mayor or Councilmember to be elected, therefore the General Election for the City of Benson will only address Proposition 418, proposing an extension of the Alternative Expenditure Limitation and will be held on November 8, 2016.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 12th day of September, 2016.

_____
TONEY D. KING, SR., Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH CLARK ROTHSCHILD
By Gary J. Cohen
City's Attorney

EXHIBIT “A”

OFFICIAL RESULTS

Cochise County
Elections & Special Districts

Public Programs...Personal Service
www.cochise.az.gov

KATIE A. HOWARD
Director

MARTHA L. RODRIQUEZ
Elections Program Coordinator

ANNÈ E. MACAK
Elections Technician

CERTIFICATION OF RESULTS OF THE CITY OF BENSON PRIMARY ELECTION AUGUST 30, 2016

I, the undersigned, being the Election Officer of Cochise County, do hereby certify that the copy of the Final Unofficial Results of said election held on August 30, 2016 is attached hereto, and is a true and correct copy of the Final Unofficial Results that has been filed in the records of the Cochise County Elections & Special Districts Office. The results will become official when the City of Benson canvasses this election.

BALLOTS PROCESSED 1,032

Mayor, City of Benson	
King Sr., Toney D.	655
Write-In Total:	187
W-I: Jeff Cook	*138*

Council Member, City of Benson	
Boyle, Patrick	598
Garner, Levi	632
Jabkowski, Michael	458
Schmidt, Crystal	620
Write-In	19

Katie A. Howard

Katie A. Howard, Director

This instrument was acknowledged before me this 7th day of September 2016 by Martha L. Rodriquez

State of Arizona
County of Cochise

Martha L. Rodriquez

Martha L Rodriquez

MARTHA L. RODRIQUEZ
Notary Public - State of Arizona
COCHISE COUNTY
My Commission Expires Jan. 31, 2019

1415 Melody Lane, Building A
Bisbee, Arizona 85603
520-432-8970
520-432-8995 fax
khoward@cochise.az.gov

JURISDICTIONAL CANVASS
RUN DATE:09/06/16 04:23 PM

City of Benson

	VOTES	PERCENT
01 = BALLOTS CAST	1,032	
Mayor City of Benson		
(VOTE FOR) 1		
02 = KING SR., TONEY D.	655	77.79
03 = WRITE-IN	187	22.21

Council Member City of Benson	VOTES	PERCENT
(VOTE FOR) 3		
04 = BOYLE, PATRICK	598	25.70
05 = GARNER, LEVI	632	27.16
06 = JABKOWSKI, MICHAEL	458	19.68
07 = SCHMIDT, CRYSTAL	620	26.64
08 = WRITE-IN	19	.82

	01	02	03	04	05	06	07	08
0001 01 BE Benson	391	251	74	233	252	187	231	7
0002 02 BE J-Six	118	81	15	68	74	55	64	4
0003 03 BE San Pedro	523	323	98	297	306	216	325	8
0024 24 St David	0	0	0	0	0	0	0	0

	Mayor City of Benson	Council Member City of Benson				Mayor City of Bisbee			Council Member Ward 1	Council Member Ward 2 - City of Bisbee		Council Member Ward 3 - City of Bisbee		Council Member City of Sierra Vista				Mayor City of Tombstone	
	KING SR. TONEY DON.	BOYLE, PATRICK	GARNER, LEVI	JABOKWSKI, MICHAEL	SCHMIDT, CRYSTAL	BUDGE, KEN	OERTLE, RONALD	SMITH, DAVID	HIGGINS, BILL	GIACOMINO, AUDREY "CHE"	HANSEN, JOAN	DOUGHTY, SHIRLEY	LINDSTROM, GABRIEL	CALHOUN, GWEN	GRAY, RACHEL	LOWERY, DONALD	WOLFE, KRISTIN	ESCAPULE, DUSTIN "DUSTY"	RUDD, KEVIN
01 BE Benson	251	233	252	187	231														
02 BE J-Six	81	68	74	55	64														
03 BE San Pedro	323	297	306	216	325														
04 BI Bisbee						170	83	235	423										
05 BI Don Luis						80	189	138				154	252						
06 BI Warren						109	165	245		230	280								
24 St David	0	0	0	0	0														
26 SV Avenida Del Sol														199	238	188	232		
27 SV Buffalo Soldier														442	521	436	519		
28 SV Busby														246	242	202	242		
29 SV Carmelita														188	201	160	200		
30 SV Cloud														98	104	99	110		
31 SV College														218	229	196	236		
32 SV Country Club														602	670	552	666		
33 SV Estates														24	29	29	40		
34 SV Hopi														208	212	186	218		
36 SV Pueblo Del Sol														216	239	190	231		
38 SV Snyder														189	170	159	149		
39 SV Soldier Creek														271	277	261	229		
40 SV Town & Country														399	361	379	381		
41 SV Village Meadows														405	401	410	352		
42 SV Vista Village														215	229	226	174		
43 SV Yaqui														13	12	10	12		
44 Tombstone																		329	228
TOTALS	655	598	632	458	620	359	437	618	423	230	280	154	252	3933	4135	3683	3991	329	228

	Council Member Ward 1 - City of Tombstone		Council Member Ward 2	Council Member Ward 3	Council Member Ward 4 - City of Tombstone		Council Member City of Willcox				Council Member Town of Huachuca City			Council Member Town of Huachuca City			
	SALCIDO, ANTONIO	TRONCALE, STEVE	BARLOW, BILL	DAVIS, BRIAN	NEWBAUER, JIM	SINESLEY, MORE	GARZA, CHEL	GOLSBY, BEAR	JOHNSON, ELWOOD	ROWDEN, TERRY	BUTTER, WORTH CYNTHIA	PERRY, DAVID	WALLACE, JOHN	HIRSHBERG, HEIDI	NEGRETE, GUSTAVO	HJELDNESS, JAMES	WELSCH, WALTER
16 Huachuca											168	107	184	207	204	66	180
44 Tombstone	58	39	93	75	161	79											
47 WI Kansas Settlement							92	96	128	108							
48 WI Stewart							3	3	3	0							
49 WI Willcox							145	119	158	131							
TOTALS	58	39	93	75	161	79	240	218	289	239	168	107	184	207	204	66	180