

**ORDINANCE NO. 21-15**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AMENDING SECTION 2.10.040 OF THE MARICOPA CITY CODE TO CHANGE THE BASIS FOR THE CALCULATION OF A MAJORITY OF VOTES CAST AT A PRIMARY ELECTION.**

**WHEREAS**, in 2012, the Arizona State Legislature 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 consolidated its elections with the State election cycle pursuant to A.R.S. §16-204, as amended by the Arizona State Legislature in 2012, resulting in the calculation of votes cast being based on the total number of ballots cast unless the alternative is enacted by the City; and

**WHEREAS**, the City found that adopting the alternative allowed by State law based on the votes for mayor instead of total ballots cast would be cost effective to the city as more candidates would get elected at the Primary Election; and

**WHEREAS**, in 2014 the legislature passed HB 2126 which provided a new way to calculate a majority of votes cast at the primary election; and

**WHEREAS**, A.R.S. §9-821.01 now specifies that the number to win would be calculated by adding all of the votes cast for all candidates for the office, dividing by the number of seats to be filled and then dividing the result of the calculation by two and rounding to the highest whole number; and

**WHEREAS**, in 2014 the term for Mayor in the City of Maricopa was changed from two years to four years by the voters, causing confusion in future elections as to what calculation to use to determine majority of votes cast; and

**WHEREAS**, the Mayor and City Council of the City of Maricopa, Arizona, believe, after consultation with its staff, that amending the City of Maricopa Code as set forth herein to be consistent with Arizona Revised Statutes is in the best interest of the City of Maricopa.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Maricopa, Arizona:

**SECTION 1.** Section 2.10.040 of the City Code of Maricopa is hereby deleted in its entirety and replaced with the following language:

Sec. 2.10.040 **Primary Election**

Any candidate who shall receive at the primary election a majority of all the votes cast at that election is declared to be elected to the office for which he is a candidate, effective as of the date of the general election, 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. In calculating the votes cast for purposes of this Section, the majority of votes cast is determined as set forth in A.R.S. §9-821.01, as amended from time to time.

**SECTION 2.** To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

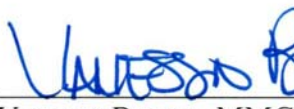
**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and City Council of the City of Maricopa, this 3<sup>rd</sup> day of August, 2021.

APPROVED:


  
Christian Price  
Mayor

ATTEST:

  
Vanessa Bueras, MMC  
City Clerk



APPROVED AS TO FORM:

  
Denis Fitzgibbons  
City Attorney