

**TOWN OF PRESCOTT VALLEY  
REQUEST FOR COUNCIL ACTION  
Date: August 22, 2013**

**SUBJECT:** Response to State-Mandated Election Consolidation

**SUBMITTING DEPARTMENT:** Town Clerk

**PREPARED BY:** Diane Russell, Town Clerk

**AGENDA LOCATION:** Comments/Communications , Consent , Work/Study ,  
New Business , Public Hearing , Second Reading

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**ATTACHMENTS:** a) Resolution No. 1845 (extending & shortening terms), and b) Ordinance No. 774 (making conforming Town Code revisions)

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**SUMMARY/BACKGROUND:** In 2012, the Arizona Legislature adopted HB 2826 which amended ARS §16-204 to require all municipalities in the state to hold their regular candidate elections in the fall of even-numbered years in order to correspond with state and federal elections. The law takes effect January 1, 2014. Charter cities are in litigation against the law (arguing that it usurps their local authority to decide when local elections should be held). However, general law municipalities like Prescott Valley have no choice but to take steps to comply with the new law.

Municipalities like Prescott Valley which currently hold their elections in March and May of odd-numbered years (and which held Mayor, Council and expenditure limitation elections in 2013) have been faced with how to adjust the terms in order to comply with this law going forward. Fortunately, in 2013 the Legislature adopted SB 1454 §22 which gave direction as to how to make the adjustment. It provided for municipalities to lengthen the terms of office for its elected officials and provided fall 2016 as the time for the Town to consider its next alternative expenditure limitation (rather than March 2017). Therefore, Resolution No. 1845 takes those actions and Ordinance No. 774 makes certain minor amendments to the Town Code to correspond with the actions.

Another issue raised by the state-mandated consolidation of local elections with state and federal elections is the impact on communities that have opted to provide for election of the mayor and council members at primary elections (instead of having to hold general elections) if they receive a certain percentage of votes. Consolidated ballots, even at the primary stage, may be so long that there is a risk that voters will not actually vote for local candidates. Still, those ballots would be counted as having been “cast” and would unnaturally increase the number of votes needed for candidates to be declared elected at the primary. Therefore, in 2010 the Legislature adopted HB 2491 allowing municipalities to provide that the total of all votes tabulated for the candidates for mayor would constitute the total number of votes cast for purposes of calculating whether a candidate for mayor or city council has received a majority of all votes cast at the primary election. This option is adopted in Ordinance No. 774.

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**OPTIONS ANALYSIS:** The Council may adopt Ordinance No. 774 as written, propose revisions to one or the other prior to adoption, OR decline to adopt it.

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**ACTION OPTION:** [The Mayor asks the Town Clerk to read Ordinance No. 774 once by title only for the second reading, then asks “Shall the Ordinance Pass?”] VOTE.

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**RECOMMENDATION:** Staff recommends that the Council authorize signature of Ordinance No. 774.

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**FISCAL ANALYSIS:** The Legislature has assisted general law communities by authorizing extension of candidate terms and avoiding a moving up of election costs. The Legislature also assisted many other communities by allowing some extension of terms for alternative expenditure limitations. In the Town's case, the next alternative expenditure limitation election will still be in FY 2016-2017.

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_

Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

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**COUNCIL ACTION:**

Approved    Denied    Tabled/Deferred    Assigned to \_\_\_\_\_