



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2018-28

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 2 "ADMINISTRATION AND PERSONNEL," CHAPTER 2.10 "MAYOR," SECTION 2.10.010 "ELECTION OF MAYOR," CHAPTER 2.15 "ELECTIONS," SECTION 2.15.010 "PRIMARY ELECTIONS," SECTION 2.15.015 "GENERAL ELECTIONS," AND SECTION 2.15.020 "PRIMARY ELECTION DATE" TO REMOVE THE REQUIREMENT OF A PRIMARY ELECTION AND TO ALLOW THE TOWN TO HOLD ONLY GENERAL ELECTIONS FOR THE OFFICES OF MAYOR AND COUNCILMEMBER.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the "Code"], and has amended and republished the Code from time to time, as authorized by A.R.S. section 9-240 (B) (28); and

WHEREAS, the Town Council has determined that there is a potential to increase voter turnout and save costs by eliminating primary elections for the offices of mayor and councilmember; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on November 8, 2018, and at a subsequent meeting on December 13, 2018.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, Arizona:

SECTION 1. The Code, Chapter 2.10 "MAYOR," section 2.10.010 "Election of mayor," subsection (A), is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

2.10.010 Election of mayor.

A. The mayor shall be elected by the registered town voters by a majority vote at a ~~primary election in even-numbered years or by a popular vote at a general election in even-numbered years,~~ as provided in Section ~~2.15.010~~ 2.15.015.

SECTION 2. The Code, Chapter 2.15 "ELECTIONS," section 2.15.010 "Primary elections," is replaced in its entirety and renamed with the following underlined text:

2.15.010 Primary elections, referendum and initiative.

A. Primary elections shall not be held for the offices of mayor and councilmember.

B. There is reserved to the qualified electors of the town the powers of initiative and referendum, as prescribed by the state's constitution and statutes. Any qualifying initiative or referendum matter may be voted upon at the next ensuing primary or general election, or at a special election called by the council for such purpose.

SECTION 3. The Code, Chapter 2.15 "ELECTIONS," section 2.15.015 "General elections," is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

2.15.015 General elections.

A. All qualifying candidates for mayor and councilmember shall be placed on the general election ballot.

B. The general election shall be scheduled to conform to the provisions of A.R.S. Title 16 sections 204 and 211.

~~C. If at the primary election no candidate receives the majority of the votes cast or the number of seats to be filled for the office is more than the number of candidates who receive a majority of votes cast, of the candidates who did not receive a majority of votes cast, the number of candidates who advance to the general or runoff election shall be equal in number to twice the number of seats to be filled for the office and the candidates who received the highest number of votes for the office shall be the only candidates at the general or runoff election. If more than one candidate received an equal number of votes and that number was the highest number of votes for the office, then all candidates receiving the equal number of votes shall be candidates at the general or runoff election. The candidates equal in number to the seats to be filled for the office who receive the highest number of votes at the general or runoff election shall be declared elected to that office. If two or more candidates receive an equal number of votes cast for the same office, and a higher number than any other candidate, the candidate who shall be declared elected shall be determined by lot in the presence of the candidates.~~

SECTION 4. The Code, section 2.15.020 "Primary election date," is amended as follows, with additions in underlined text:

2.15.020 Primary election date.


A primary election, if required for matters other than mayor or councilmember elections, shall be held on the tenth Tuesday before the first Tuesday after the first Monday in November of even-numbered years.

SECTION 5. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 6. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 7. The Town Clerk is hereby directed, pursuant to the Code, section 2.25.080, to publish this Ordinance as required by A.R.S. 9-812 and 39-204.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 13th DAY OF DECEMBER, 2018.


Johann Wallace, Mayor

ATTEST:


Jennifer Fuller, Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney

