

REFERENCE TITLE: municipal elections; tax incentives; increases

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

## **SB 1260**

Introduced by  
Senators Chevront, Gorman, Gray L: Gould, Johnson

AN ACT

AMENDING SECTIONS 16-204, 19-143 AND 42-6006, ARIZONA REVISED STATUTES;  
RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-204, Arizona Revised Statutes, is amended to  
3 read:

4 16-204. Declaration of statewide concern: consolidated election  
5 dates

6 A. While the legislature recognizes that the method of conducting  
7 elections by political subdivisions, including charter counties and cities,  
8 may be a matter of local concern, the legislature finds and determines that  
9 for the purposes of increasing voter participation and for decreasing the  
10 costs to the taxpayers it is a matter of statewide concern that all elections  
11 in this state be conducted on a limited number of days and, therefore, the  
12 legislature finds and declares that the holding of all elections on certain  
13 specific consolidated days is a matter of statewide concern.

14 B. Notwithstanding any other law or any charter or ordinance of any  
15 county, city or town to the contrary, an election held for or on behalf of a  
16 county, city or town, a school district, a community college district or  
17 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13  
18 through 16 and 33 may only be held on the following dates:

19 1. Except for regular elections for candidates in a city or town with  
20 a population of one hundred seventy-five thousand or more persons, all  
21 elections, including recall elections and special elections to fill  
22 vacancies, shall be held on:

23 (a) The second Tuesday in March.

24 (b) The third Tuesday in May.

25 (c) The ~~eighth~~ NINTH Tuesday before the first Tuesday after the first  
26 Monday in November.

27 (d) The first Tuesday after the first Monday in November.  
28 Notwithstanding any other law, an election must be held on this date for the  
29 approval of an obligation or other authorization requiring or authorizing the  
30 assessment of secondary property taxes by a county, city, town, school  
31 district, community college district or special taxing district, except as  
32 provided by title 48.

33 2. For regular elections that are only for candidates in a city or  
34 town with a population of one hundred seventy-five thousand or more persons  
35 and not including recall elections and special elections to fill vacancies in  
36 those cities or towns, elections shall be held on:

37 (a) The ~~eighth~~ NINTH Tuesday before the first Tuesday after the first  
38 Monday in November. **NOTWITHSTANDING ANY OTHER LAW, AN ELECTION MUST BE HELD**  
39 **ON THIS DATE FOR THE APPROVAL OF ANY ISSUE RELATING TO A TRANSACTION**  
40 **PRIVILEGE, SALES, USE, FRANCHISE OR OTHER SIMILAR TAX OR FEE, HOWEVER**  
41 **DENOMINATED, OR ANY TAX INCENTIVE AS DEFINED IN SECTION 42-6010 BY A CITY OR**  
42 **TOWN.**

43 (b) The first Tuesday after the first Monday in November.

44 C. For any city or town, including a charter city, that holds its  
45 regularly scheduled candidate elections in even-numbered years pursuant to  
46 subsection B, paragraph 2, the term of office for a member of the city

1 council or for the office of mayor begins on or after the second Tuesday in  
2 January in the year following the election.

3 D. This section does not apply to an election regarding a county or  
4 city charter committee or county or city charter proposal that is conducted  
5 pursuant to article XIII, section 2 or 3 or article XII, section 5,  
6 Constitution of Arizona.

7 Sec. 2. Section 19-143, Arizona Revised Statutes, is amended to read:  
8 19-143. Initiative petition in cities: action of council:  
9 amendment of charter

10 A. The whole number of votes cast at the city or town election at  
11 which a mayor or councilman was chosen last preceding the submission of the  
12 application for an initiative petition is the basis for computing the number  
13 of qualified electors of the city or town required to sign the petition  
14 unless the city or town by charter or ordinance provides an alternative basis  
15 for computing the number of necessary signatures.

16 B. If an ordinance, charter or amendment to the charter of a city or  
17 town is proposed by initiative petition, it shall be filed with the city or  
18 town clerk, who shall submit it to the voters of the city or town at the next  
19 ensuing election, EXCEPT THAT IF THE INITIATIVE PETITION REQUESTS THE  
20 APPROVAL OF ANY ISSUE RELATING TO A TRANSACTION PRIVILEGE, SALES, USE,  
21 FRANCHISE OR OTHER SIMILAR TAX OR FEE, HOWEVER DENOMINATED, OR ANY TAX  
22 INCENTIVE AS DEFINED IN SECTION 42-6010, THE QUESTION SHALL BE SUBMITTED TO  
23 THE QUALIFIED ELECTORS AT A GENERAL ELECTION HELD ON THE NINTH TUESDAY BEFORE  
24 THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER. The council may enact  
25 the ordinance or amendment and refer it to the people or it may enact the  
26 ordinance or amendment without referring it to the people, and in that case  
27 it is subject to referendum petition as other ordinances. The mayor shall  
28 not have power to veto either of such measures.

29 C. Amendments to a city or town charter may be proposed and submitted  
30 to the people by the council, with or without an initiative petition, but  
31 they shall be filed with the clerk for submission not less than sixty days  
32 before the election at which they are to be voted upon, and no amendment of a  
33 charter shall be effective until it is approved by a majority of the votes  
34 cast thereon by the people of the city or town to which it applies. The  
35 council may by ordinance order special elections to vote on municipal  
36 measures.

37 Sec. 3. Section 42-6006, Arizona Revised Statutes, is amended to read:  
38 42-6006. Municipal elections on tax issues

39 A city or town may submit any issue relating to a transaction privilege  
40 ~~tax~~, sales, use, franchise or other similar tax or fee, however denominated,  
41 OR ANY TAX INCENTIVE AS DEFINED IN SECTION 42-6010 to the qualified electors  
42 of the city or town at any ~~regular or special~~ municipal election HELD ON THE  
43 NINTH TUESDAY BEFORE THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER,  
44 and may spend public monies of the city or town to cover the expenses of the  
45 election on that issue.