

ORDINANCE NO. O2020-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ORDERING A SPECIAL ELECTION FOR THE QUALIFIED ELECTORS OF THE CITY OF YUMA, ARIZONA, FOR THE PURPOSE OF DETERMINING WHETHER TO AMEND THE CHARTER OF THE CITY OF YUMA, ARIZONA, AS FOLLOWS: AMEND ARTICLE IV, SECTION 4; ARTICLE VI, SECTION 2; ARTICLE XI, SECTION 3; AND ARTICLE IV SECTION 6

WHEREAS, a national and statewide General Election has been called for November 3, 2020; and,

WHEREAS, Article III, Section 14 of the Yuma City Charter provides that the City shall have the power to make all rules and regulations governing elections not inconsistent with the Constitution and statutes of the State of Arizona; and,

WHEREAS, Article IV, Section 1 and Section 7 of the Yuma City Charter provides the City Council a mechanism, by ordinance, to call for special elections; and,

WHEREAS, Article XVI of the Yuma City Charter provides that the Yuma City Charter may be amended in the manner provided in the Constitution of the State of Arizona; and,

WHEREAS, Article XIII, Section 2 of the Arizona State Constitution and Arizona Revised Statutes § 9-283(C) and § 19-143(C) provide that the Yuma City Charter may be amended by amendments proposed and submitted to the qualified electors by the City Council at a general or special election and that no amendment shall be effective until it is approved by a majority of the votes cast thereon,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1. A Special Election shall be held at the same time as the General Election of November 3, 2020, to submit to the qualified electors of the City of Yuma the questions set forth below to determine whether the City Charter of the City of Yuma should be amended by adoption of the amendments shown below (strikethrough text indicates proposed deletions and underlined bold text indicates proposed additions except with regard to the proposition number):

Proposition XXX

SHALL ARTICLE IV, SECTION 4; ARTICLE VI, SECTION 2; AND ARTICLE XI, SECTION 3 OF THE YUMA CITY CHARTER BE AMENDED TO CONFORM WITH STATE LAW RELATING TO CONSOLIDATED ELECTIONS AND READ AS FOLLOWS:

ARTICLE IV:

Section 4. Time of holding primary and general elections.

There shall be a primary and general election held in the City of Yuma ~~in every odd-numbered year.~~ The City of Yuma ~~primary and general elections~~ shall hold all primary and general elections ~~be held~~ in accordance with state law.

ARTICLE VI:

Section 2. When mayor, councilmembers elected.

Elections for mayor and councilmembers shall be held in accordance with state law ~~odd~~

~~numbered years.~~ A mayor and three councilmembers shall be elected, commencing with the elections held in ~~2022~~1973, and three councilmembers shall be elected two years thereafter.

ARTICLE XI:

Section 3. Municipal judge.

(a) There shall be a Municipal Judge who shall be elected from the City at large, **in accordance with state law.** Commencing with the elections held in 1973, and at the biennial elections held every four (4) years, thereafter, a Municipal Judge shall be elected who shall serve a term of four (4) years. On and after January 1, 1995, at such time as City Council shall deem necessary, other Municipal Judges shall be elected, at staggered elections, for a term of four years. The Municipal Judges shall receive at stated times, a compensation to be fixed by ordinance by the City Council, which compensation shall not be increased or diminished after their election or during their term of office.

A "YES" vote shall have the effect of adopting the proposed charter amendments.

A "NO" vote shall have the effect of not adopting the proposed charter amendments.

SHALL THE ABOVE DESCRIBED AMENDMENTS BE ADOPTED?

___YES

___NO

Proposition XXX

SHALL ARTICLE IV, SECTION 6 OF THE YUMA CITY CHARTER BE AMENDED TO CONFORM WITH STATE LAW AND READ AS FOLLOWS:

ARTICLE IV:

Section 6. Nomination for primary election.

The City Council, by ordinance, shall direct the City Clerk to make available to all candidates for any City office a petition form for nomination at a primary election. The nomination form must contain the signatures of qualified electors of the City aggregating not less than three percent (3%) nor more than five percent (5%) of the total number of valid ballots cast at the last preceding general municipal election. The petitions ~~shall may~~ be presented to the City Clerk **in accordance with state law** ~~not earlier than one hundred twenty (120) days nor later than ninety (90) days before the date set for the primary election.~~ The City Clerk shall certify the petition indicating that the required number of signatures of qualified electors has been obtained and such certification shall cause the candidate's name to be printed on the ballot.

A "YES" vote shall have the effect of adopting the proposed charter amendment.

A "NO" vote shall have the effect of not adopting the proposed charter amendment.

SHALL THE ABOVE DESCRIBED AMENDMENT BE ADOPTED?

___YES

___NO

SECTION 2. The electors favoring the above City Charter amendments shall vote "YES" and the electors opposing such amendments shall vote "NO".

SECTION 3. The Special Election shall be held-in conformity with the provisions of the Yuma City Charter and the general election laws of the State of Arizona and that no person shall be entitled to vote unless that person is a registered voter of the City of Yuma.

SECTION 4. The City Council shall cause publicity pamphlets and the ballot to be printed and shall send a sufficient number of the ballots to the judges appointed to conduct the election.

SECTION 5. The Special Election returns shall be submitted to the City Council of the City of Yuma in the same manner and time provided for the returns of the ballots for the General Election, whereupon the City Council shall canvass the votes cast in the election and immediately thereafter declare the results of the election. .

SECTION 6. If a majority of the qualified electors of the City voting at the election vote in favor of the amendments proposed, it shall be the duty of the City Council, immediately upon canvassing the vote cast in the election as above provided, to transmit a certified copy of the approved amendments to the Governor of the State of Arizona for approval, as provided by the Yuma City Charter and the Constitution of the State of Arizona.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney