

ORDINANCE NO. 11-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 2, ARTICLES 2-3 AND 2-6, BY ADDING PROVISIONS RELATED TO MAIL BALLOT ELECTIONS.

WHEREAS, it is provided by law for the holding of primary, general and special elections; and

WHEREAS, cities and towns have the option, pursuant to ARIZ. REV. STAT. 16-409 to conduct elections with mail ballots; and

WHEREAS, evidence shows that mail balloting yields high voter participation at a lower cost to the Town of Fountain Hills (the "Town"); and

WHEREAS, evidence shows that mail ballots delivered by the United States Postal Service remain secure and confidential; and

WHEREAS, to protect against voter fraud, the Maricopa County Recorder's Office electronically scans and personally matches every voter signature affixed to each returned ballot envelope against that voter's signature on file from his or her voter registration form; and

WHEREAS, the database maintained by the Maricopa County Elections Department is designed to make it impossible for a voter to vote more than one ballot; and

WHEREAS, every effort is made by the Maricopa County Elections Department to maintain ballot secrecy; and

WHEREAS, the Mayor and Council of the Town of Fountain Hills have determined that it is in the best interests of the Town that all elections be held by mail ballot only, unless such elections are required to be conducted in the manner proscribed by Maricopa County when Town elections fall on the same date as a county-wide election.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Fountain Hills Town Code, Chapter 2 (Mayor and Council), Article 2-3 (Council Election) is hereby amended by adding a new Section 2-3-5 (Mail Ballot Election), which reads as follows:

Section 2-3-5 Mail Ballot Election

- A. Except as provided in Subsection B of this Section 2-3-5, the town clerk shall conduct all primary, general and special elections exclusively using mail ballots in accordance with Arizona Revised Statutes Title 16, Article 8.1, as amended.
- B. Subsection A of this Section 2-3-5 shall not apply in the case of any town election for which (1) there is a county-wide election on the same date and (2) Maricopa County is not utilizing an all-mail ballot process.

SECTION 3. The Fountain Hills Town Code, Chapter 2 (Mayor and Council), Article 2-6 (Initiative and Referendum), Section 2-6-4 (Sample Ballots and Publicity Pamphlets), is hereby amended as follows:

Section 2-6-4 Sample Ballots and Publicity Pamphlets

. . . .

- A. A publicity pamphlet, containing the entire text of the official ballot, shall be mailed by the town clerk to each household within the town in which a registered voter resides, not less than ~~ten~~ THE MINIMUM NUMBER OF days prior to the election to which the sample ballot pertains, AS REQUIRED BY STATE LAW.

. . . .

- C. Arguments supporting and opposing propositions appearing on the ballot shall be filed with the office of the town clerk by 5:00 p.m. not less than ~~sixty~~ THE MINIMUM NUMBER OF days prior to the election at which the propositions are to be voted upon, AS REQUIRED BY STATE LAW. If time does not permit compliance with the ~~sixty-day~~ deadline, the town clerk may establish a separate deadline for filing referendum ballot arguments. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:

. . . .

- 4. Arguments must contain the original NOTARIZED signature of each person sponsoring it. Arguments submitted by organizations shall be signed by two executive officers of the organization, or if the argument is sponsored by a political committee it must be signed by the committee's chairman or treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number, which information shall not appear in the publicity pamphlet.

. . . .

SECTION 4. The Fountain Hills Town Code, Chapter 2 (Mayor and Council), Article 2-6 (Initiative and Referendum) is hereby amended to add a new Section 2-6-5, to read as follows:

Section 2-6-5 Mail Ballot Election

- A. Except as provided in Subsection B of this Section 2-6-5, the town clerk shall conduct all initiative and referendum elections, whether on the date of a primary, general or special election, exclusively using mail ballots in accordance with Arizona Revised Statutes Title 16, Article 8.1, as amended.
- B. Subsection A of this Section 2-6-5 shall not apply in the case of any town election for which (1) there is a county-wide election on the same date and (2) Maricopa County is not utilizing an all-mail ballot process.

SECTION 5. 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 of this Ordinance.

SECTION 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

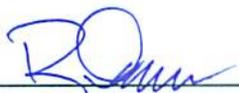
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, January 20, 2011.

FOR THE TOWN OF FOUNTAIN HILLS:



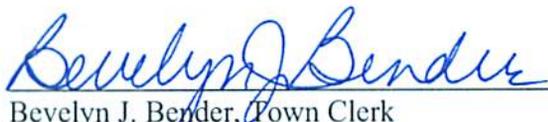
Jay T. Schlum, Mayor

REVIEWED BY:



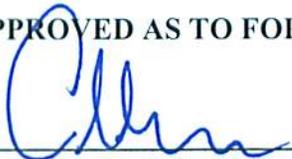
Richard L. Davis, Town Manager

ATTESTED TO:



Bevelyn J. Bender, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney