ORDINANCE NO. 16-807

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF CHINO VALLEY, YAVAPAI COUNTY, ARIZONA, TITLE III, <u>ADMINISTRATION</u>, CHAPTER 37 <u>ELECTIONS</u>, BY AMENDING § 37.021 <u>ELECTION OF MAYOR OR COUNCILMEMBER AT PRIMARY ELECTION</u>; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

WHEREAS, Town Code § 37.021 provides for the election of candidates at the primary election, that a candidate is deemed elected at the primary if he receives a majority of all votes cast at such election, and for the basis of calculating whether a candidate for mayor or town council has received such majority; and

WHEREAS, Arizona Revised Statutes § 9-821.01 was amended to provide an alternative method for municipalities to calculate the number of votes cast at a municipal election for the purpose of determining whether a candidate for mayor or council received a majority of the votes cast at a primary election;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY, AS FOLLOWS:

Section I.   <u>In General</u>.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III <u>Administration</u>, Chapter 37 <u>Elections</u>, is hereby amended by amending Section 37.021 <u>Election of Mayor or Councilmember at Primary Election</u> to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 37:   ELECTIONS

COUNCIL ELECTIONS

§ 37.021   ELECTION OF MAYOR OR COUNCILMEMBER AT PRIMARY ELECTION.

A.   At the primary election, any candidate for the office of mayor or town council who receives a majority of all votes cast FOR THAT OFFICE at such election shall be declared elected to the office for which he or she is a candidate, effective as of the date of the general election, and no further election shall be held as to such candidate.

B.   If more candidates receive a majority OF VOTES CAST than there are ~~offices~~SEATS to be filled FOR THE OFFICE, then ~~those~~THE CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES equal ~~in number~~ to the NUMBER OF ~~offices~~SEATS to be filled FOR THE OFFICE~~receiving the highest number of votes~~ shall be declared elected TO THAT OFFICE.

C.   The ~~total~~MAJORITY of ~~all~~ votes cast ~~for the candidates for the office of mayor constitutes the total number of votes cast at the election and shall be the basis for calculating whether a candidate for mayor or town council has received a majority of all votes cast at the election.~~ SHALL BE AS DETERMINED BY STATE LAW.

Section II.   Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.
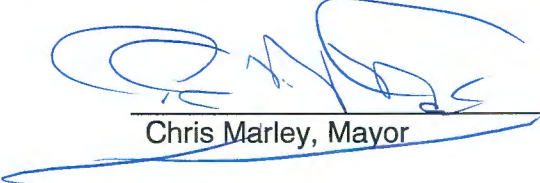
Section III.   Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 12th day of January, 2016 by the following vote:

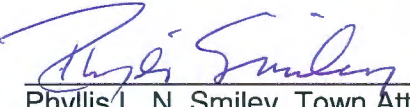|			
AYES:	7	ABSENT:	0
NAYS:	0	ABSTAINED:	0

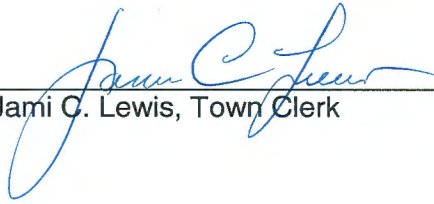APPROVED this 12th day of January, 2016.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L. N. Smiley, Town Attorney

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-807, ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 12TH DAY OF JANUARY, 2016, WAS POSTED IN THREE PLACES ON THE _14 TH_ DAY OF _JANUARY_, 2016.

_____
Jami C. Lewis, Town Clerk