



City Council Report

Date: March 18, 2019
To: City Council
Through: Chris Brady, City Manager
From: Dee Ann Mickelsen, City Clerk
Subject: Text amendments to Mesa City Code Title 1, Chapter 8 entitled "Qualified Electors" (Citywide)

Purpose and Recommendation

To be consistent with Arizona state statute, consider an amendment to Title 1, Chapter 8 of the Mesa City Code entitled "Qualified Electors" to meet the requirements of petition circulators. To comply with state statute, staff recommends approval of the changes described below and contained in the corresponding ordinance.

Background

The current City Code Section 1-8-2 requires all petition circulators be "qualified Mesa electors" as defined in City Code Section 1-8-1. Arizona Revised Statutes Title 16 (Elections and Electors) and Title 19 (Initiative, Referendum and Recall) sets forth election requirements, including requirements for circulators of nomination, initiative and referendum petitions. In response to a U.S. Supreme Court decision, state law was changed in 1999 to only require petition circulators to be qualified to register to vote rather than a qualified elector. If the circulator is not a resident of Arizona, they are required to register with the Secretary of State.

Discussion

Since the state law changed, Mesa has followed state statute on the issue of qualifications of petition circulators as Section 701 of the City Charter requires the election laws of the state to apply to the conduct of Mesa elections except as set forth in City Charter; the City Charter is silent on the issue of petition circulators and signature verification. The proposed amendments to the ordinance will make the City Code consistent with state law.

Alternatives

The City Council can choose to not modify the City Ordinance.

Fiscal Impact

There is no financial impact on the City.

Coordinated With

The City Clerk's Office and the City Attorney's Office.