

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 1, CHAPTER 8 ENTITLED “QUALIFIED ELECTORS”.

WHEREAS, Title 1, Chapter 8 of the Mesa City Code entitled “Qualified Electors” sets forth the requirements for qualified electors and circulators of petitions in Mesa, Arizona;

WHEREAS, Arizona Revised Statutes § 16-315 and § 19-114 set forth the requirements for petition circulators in Arizona; and

WHEREAS, the City Council desires to amend the language of Mesa City Code Title 1, Chapter 8 to conform to the applicable requirements for petition circulators and signature verification set forth in Arizona Revised Statutes, remove the signature verification requirements of the City Clerk, and to make other, minor changes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. Mesa City Code Title 1, Chapter 8 entitled “Qualified Electors” is amended as set forth below:

Text written in **BOLD, ALL CAPS AND UNDERLINED** indicates new language and text written in ~~strikethrough~~ represents removed language.

CHAPTER 8

QUALIFIED ELECTORS

SECTION:

1-8-1: QUALIFIED ELECTOR; DEFINITION

1-8-2: PETITION CIRCULATORS

1-8-1: QUALIFIED ELECTOR; DEFINITION:

(A) Every resident of the City is qualified to register and vote in City of Mesa elections if he or she:

~~(1)~~ Is a citizen of the United States;

~~(2)~~ Will be eighteen (18) years of age or more on or before the date of the next City election following registration;

- ~~(3)-~~ Will have been a resident of the City and registered to vote prior to midnight of the twenty-ninth (29th) day preceding the date of the next City election;
 - ~~(4)-~~ Is able to write his or her name, or make a mark, unless prevented from so doing by physical disability;
 - ~~(5)-~~ Has not been convicted of treason or a felony, unless restored to civil rights; and
 - ~~(6)-~~ Has not been adjudicated an incapacitated person as defined in A.R.S. §14-5101, or its successor statute.
- (B) For purposes of this ~~Title~~ **CHAPTER**, "resident" means an individual who has actual physical presence in this City, combined with an intent to remain. A temporary absence does not result in a loss of residence if the individual has an intent to return following his or her absence. An individual has only one residence for purposes of this ~~Title~~ **CHAPTER**.

1-8-2: PETITION CIRCULATORS; ~~EVALUATION OF PETITIONS:~~

- (A) All circulators of nomination petitions for Mayor or City Councilmember ~~shall be qualified Mesa electors, as defined in Section 1-8-1 above.*~~ **MUST BE EITHER A PERSON:**
- (1) QUALIFIED TO REGISTER TO VOTE IN ARIZONA; OR**
 - (2) WHO IS NOT A RESIDENT OF THIS STATE, BUT IS OTHERWISE QUALIFIED TO REGISTER TO VOTE IN ARIZONA, AND IS REGISTERED AS A CIRCULATOR WITH THE SECRETARY OF STATE.**
- (B) All circulators of initiative or ~~referenda~~ **REFERENDUM** petitions proposing to change the Mesa City Charter or Mesa City Code ~~shall be qualified Mesa electors, as defined in Section 1-8-1 above.*~~ **MUST BE EITHER A PERSON:**
- (1) QUALIFIED TO REGISTER TO VOTE IN ARIZONA; OR**
 - (2) WHO IS NOT A RESIDENT OF THIS STATE, BUT IS OTHERWISE QUALIFIED TO REGISTER TO VOTE IN ARIZONA, AND IS REGISTERED AS A CIRCULATOR WITH THE SECRETARY OF STATE.**
- (C) ~~In evaluating petitions presented for signature verification, the City Clerk shall not count or consider signatures on an initiative, referendum, or nomination petition under this Section that are circulated by persons other than a Mesa qualified elector, as defined in Section 1-8-1 above.*~~

* ~~Effective August 6, 1999, pursuant to A.R.S. Titles 16 and 19, circulators of initiative, referendum, nomination, and recall petitions must be qualified to register to vote in this State (HB2656, Buckley v. American Constitutional Law Foundation).~~

SECTION 2. RECITALS. The recitals above are fully incorporated in this Ordinance by reference.

SECTION 3. EFFECTIVE DATE. The effective date of this Ordinance shall be thirty (30) days following adoption by the City Council.

SECTION 4. PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 1st day of April, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk