

**CITY OF GOODYEAR
COUNCIL ACTION REPORT (CAR)**

SUBJECT: Information regarding the determination of a majority vote for elections and consolidated elections.	STAFF PRESENTER: Darcie McCracken, City Clerk and Roric Massey, City Attorney
	CASE NUMBER: None
	OTHER PRESENTER: None

PROPOSED ACTION:

Staff will present information to Council regarding the determination of a majority vote for elections and consolidated elections. No Council action is required at this time.

BACKGROUND AND PREVIOUS ACTIONS:

Majority Vote Determination

The city of Goodyear is governed by the City Charter, city code, and state law for elections (when not in conflict with charter and code). The City Charter speaks to elections in several ways including the ability to elect at the primary by receiving a majority of all the votes cast. Currently, “majority of all the votes cast” has been interpreted to mean the inclusion of over votes, under votes and unqualified write-ins.

Consolidated Elections

The City Charter determines the timing of city elections. Currently, elections are set for March and May of odd-numbered years. Additionally, the City has all-mail elections, meaning there are no polling places on Election Day and all registered voters receive a ballot automatically in the mail. As of August 8, 2017, Goodyear had 40,912 active registered voters with 30,692 on the permanent early voter list. The permanent early voter list allows the voter to receive a ballot in the mail for any election (not just city of Goodyear) in which they are qualified to vote, which can include school districts, county and state elections.

State law was changed in 2012 when the legislature required all elections to be in the fall of even-numbered years (consolidated elections). Several charter cities challenged the law and prevailed, which resulted in charter cities being exempt from changing to consolidated elections based on their charter.

STAFF ANALYSIS:

Majority Vote Determination

Ten benchmark cities were contacted to learn how other communities determined votes; two include the over votes, under votes and unqualified write-in votes. Seven of the cities base the count on votes for candidates, although the specific language used may be different. One city determines the majority vote based on the votes for candidates for Mayor in the election. Of the ten cities, eight are charter cities. One of the other cities that calculates the majority using over votes, under votes, and unqualified write-ins (Peoria) did prevail when taken to court.

The state and county use the primary election to determine who goes to the general election for parties, and the general election to determine between parties. Therefore, under votes, over votes and unqualified write-in votes are not a consideration.

In order to clarify Goodyear's practice, Council would need to adopt an ordinance. The current city code states:

2-3-1 Primary Election

Any candidate who shall receive at the primary election a majority of all the votes cast shall be declared to be 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 said candidate; provided that if more candidates receive a majority than there are offices to be filled then those equal in number to the offices to be filled receiving the highest number of votes shall be declared elected.

Clarification of the section would read as:

For the purposes of this Section, "votes cast" shall mean a legal vote actually cast in that candidate's race for a legally eligible candidate and excludes ballots and other votes that were not actually cast in that race including "over votes" and "under votes".

If Council determines that this is the route they would like to pursue, an ordinance would return to Council for a formal vote at a future Regular Meeting.

Consolidated Elections

The City has the ability to determine if they wish to change to the consolidated election dates in August and November of even-numbered years from the current March and May of odd-numbered years.

Reasons to move to a consolidated election date:

- Saves money by splitting election costs with the county
 - .50 per ballot compared to \$2.12 per ballot
- Potentially could increase voter turnout

Reasons to stay with the spring of odd years:

- Allows the city to remain with an all-mail election making it more convenient for voters to participate
- Recognizes a significant number of Goodyear residents are away in the summer which would be the typical campaign cycle for a Fall cycle
- City questions at the end of the ballot – any questions on the general ballot would be a tag line only
- Higher turnout equates to higher signature requirements on initiative, referendum, recall and candidate petitions
- Faster results from the county for all-mail ballots
- Primary ballots are based on party affiliation – impact on independents
- City Hall may or may not be a polling location
- More political signs during election

FISCAL ANALYSIS:

Majority Vote Determination

Based on the last election cycle (primary and general election), the determination at the primary for all open seats could save approximately \$90,000 for future election cycles, if all other conditions remain the same, such as, timing of election, no other questions to be determined in the general, etc.

Consolidated Elections

Currently, the city pays \$2.12 per voter with an all-mail, non-consolidated election. The March election in 2017 produced a bill of \$91,677 and required a second citywide election for an additional bill of \$89,843. The total cost for elections in 2017 was approximately \$181,520.

The cost would be .50 per voter with a consolidated election. With 40,912 active registered voters, the city could expect to pay \$20,456 per election.

RECOMMENDATION:

Majority Vote Determination

It is staff's recommendation for Council to pass, adopt and approve an Ordinance to clarify how the majority vote is determined.

Consolidated Elections

Staff has no recommendation regarding Consolidated Elections.

Council options:

1. If Council opts to move towards Consolidated Elections, the Charter would need to be changed and would require an election and approval by voters. Terms for existing Councilmembers would need to be adjusted to allow for the change in the timing of the election (more or less time in office). A charter review committee could be charged with reviewing other areas of the charter needing update, to bring all items forward at the next election.
2. No change to existing timing of the spring election cycle in odd-numbered years.

ATTACHMENTS:

Existing city code referencing majority vote with suggested language
Sample ballot from the 2006 election