

RESOLUTION R21-01-01

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, AMENDING TITLE III (ADMINISTRATION) OF THE CODE OF EL MIRAGE, ARIZONA BY AMENDING SECTION § 32.066 (INITIATIVES AND REFERENDUMS) CONFORMING THE NUMBER OF SIGNATURES REQUIRED FOR INITIATIVE PETITIONS WITH STATE STATUTE.

WHEREAS, A.R.S. § 19-143 provides that the whole number of votes at the city election at which a mayor or councilman was chosen last preceding the submission of the application for an initiative petition is the basis for computing the number of qualified electors of the city or town required to sign an initiative petition; and

WHEREAS, A.R.S. § 19-143 also allows cities to use alternative basis for computing the number of qualified electors required to sign an initiative petition; and

WHEREAS, the El Mirage City Code currently requires, as an alternative to State statute, that the total number of registered voters qualified to vote at the last municipal election is the basis for computing the number of qualified electors of the city or town required to sign an initiative petition; and

WHEREAS, the Council wishes to amend the basis for computing the number of qualified electors of the city or town required to sign an initiative petition to conform with State statute and be computed based on the number of votes at the city election at which a mayor or councilman was chosen, as opposed the total number of registered voters qualified to vote;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of El Mirage, Arizona, as follows:

Section I. Section § 32.066 of Title III (Administration) is amended as follows:

§ 32.066 INITIATIVES AND REFERENDUMS.

(A) *Power reserved; time of election.* There is reserved to the qualified electors of the city the power of the initiative and the referendum as prescribed by the state constitution. Any initiative or referendum matter shall be voted on at the next ensuing primary or general election.

(B) *Number of signatures.*

(1) ~~The total number of registered voters qualified to vote at the last municipal election, whether regular or special, immediately preceding the date upon which any initiative petition is filed shall be the basis upon which the number of qualified electors of the city required to file an initiative petition shall be computed~~ **DETERMINED BY STATE LAW.**

(2) The basis upon which the number of qualified electors of the city required to file a referendum petition shall be as determined by state law.

Section II. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. 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 thereof.

PASSED AND ADOPTED by the Common Council of the City of El Mirage, Arizona, this 21st day of January, 2021.

FOR THE CITY OF EL MIRAGE:

ATTESTED TO:

Alexis Hermosillo, Mayor

Sharon Antes, City Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Crystal Dyches, City Manager

Pierce Coleman, PLLC, City Attorney