

OFFICE OF THE CITY ATTORNEY

OPINION NO. 92-07

TO: Jan Graziano, Deputy City Clerk
FROM: Stephen M. Kemp, City Attorney
DATE: November 25, 1992
SUBJECT: Calculating Nomination Signature Requirements

QUESTION:

How is the number of signatures calculated for Petitions for nomination for Mayor and Council Member.

OPINION:

You are correct in your assumption that the Charter Amendment adopted to Article 2 of the Peoria City Charter applies to the initial election under its provisions. Section 2.G. provides:

The signatures of not less than seventy-five (75) nor more than one hundred-fifty (150) registered voters from the respective district shall be necessary on nomination petitions for candidates for the first Council election in which the Council members are elected from District.

It is clear that this provision governed the elections in 1991, which were the first elections under this provision. For 1993 and subsequent elections it is necessary to refer to the provisions of A.R.S. §16-322. The relevant provisions of the statutes are:

7. If for a candidate for Mayor or other office nominated by a City at large, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five percent and not more than ten percent of the designated party vote in the City.

8. If for an office nominated by ward, precinct or other district of a City, by a number of qualified electors who are qualified to vote for the candidate whose nomination petition they are signing equal to at least five percent and not more than ten percent of the designated party vote in the ward, precinct or other district.

11.B. . . . In cities, the basis of percentage shall be the vote of the party for Mayor at the least preceding election at which an official of the Town was elected . . .

It is clear from these provisions that the proper means for calculating the number is to: (1) Determine the total number of votes cast in the last election for Mayor in each District and city wide. (2) Calculate five and ten percent of the City wide vote. (3) Calculate five and ten percent of the District vote.

A review of your proposed calculations indicates that you followed this procedure. Therefore, it is the opinion of this office that your proposed calculations are correct. If you should have any questions, please do not hesitate to contact me.

cc: Honorable Mayor and Council