

RESOLUTION NO. 8389

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, ARIZONA, CALLING A SPECIAL ELECTION TO RUN CONCURRENTLY WITH THE TUESDAY, NOVEMBER 2, 2010 GENERAL ELECTION; AND DESIGNATING OR PROVIDING FOR THE ELECTION DATE, SPANISH TRANSLATION OF ELECTION MATERIALS, DEADLINE FOR VOTER REGISTRATION, EARLY VOTING DATES, IF NECESSARY, TYPE OF VOTING SYSTEM TO BE USED, AND THE MANNER IN WHICH THE CITY CLERK SHALL CONDUCT THE ELECTION.

BE IT RESOLVED by the Council of the City of Scottsdale as follows:

Section 1. Election date.

A Special Election ("Special Election") shall be held on Tuesday, November 2, 2010, to run concurrently with the City of Scottsdale General Election.

Section 2. Conduct of election.

The City Clerk is hereby authorized to determine the manner in which the election shall be conducted and to sign Maricopa County's Menu of Services agreement for the conduct of the November 2, 2010 Special Election. If there is sufficient space on Maricopa County's consolidated election ballot for City of Scottsdale candidates and ballot questions, the City Clerk is directed to consolidate the Scottsdale Ballot with the County ballot. If there is not sufficient space on the County's consolidated election ballot, the Clerk is directed to conduct the Special Election as a mail ballot election.

Section 3. Procedures for conducting mail ballot election, if necessary.

In the event that it is necessary to conduct the Special Election by mail, the procedures for conducting the election shall be as follows:

- a. No polling places will be provided for the Special Election if the election is conducted as a mail ballot election.
- b. The Maricopa County Elections Department will mail a ballot to every registered voter in the City of Scottsdale on Thursday, October 14, 2010, nineteen (19) days prior to the November 2, 2010 Election Day.
- c. Voters may return voted mail ballots, sealed within the signed affidavit envelope, to Maricopa County via U.S. Mail. Return ballot envelopes will be coded with a special Postal Code so that postal officials know to handle the voted ballots with extreme care and promptness, and not to leave them unsecured.
- d. Voters may hand deliver voted mail ballots, sealed within the signed affidavit envelope, to the Maricopa County Elections Department Office, 510 S. Third Avenue, Phoenix, Arizona,

- during regular business hours, Monday through Friday, October 7 through November 1, 2010, or during the hours of 6:00 a.m. to 7:00 p.m. on Election Day (November 2, 2010).
- e. Voters may also hand deliver their voted mail ballots, sealed within the signed affidavit envelope, to any Maricopa County Polling Site during the hours of 6:00 a.m. to 7:00 p.m. on Election Day (November 2, 2010).
 - f. The Maricopa County Elections Department must receive returned mail ballots by 7:00 p.m. on November 2, 2010.
 - g. If a voter misplaces his or her ballot, does not receive a ballot, or spoils the ballot in any way, a voter may go to the Maricopa County Elections Department, 510 S. Third Avenue, Phoenix, Arizona, during regular business hours, Monday through Friday, October 7 through November 1, 2010, or during the hours of 6:00 a.m. to 7:00 p.m. on Election Day (November 2, 2010), to vote a replacement ballot. A voter also may go to the Scottsdale City Hall Elections Office, 3939 N. Drinkwater Blvd., Scottsdale Arizona, 8:00 a.m. to 5:00 p.m., Monday through Friday, October 7 through November 1, 2010, and 6:00 a.m. to 7:00 p.m. on November 2, 2010, to vote a replacement ballot.
 - h. If a voter knows that he or she will be out of the City during the election period, the voter may notify the Maricopa County Elections Department in writing to request to have his or her mail ballot sent to a different address. This request must include the voter's name, residence address, mail-to address, date of birth, title of the election for which the request is being made, and the voter's signature.
 - i. A voter in this election must be a qualified elector of the City of Scottsdale. A qualified elector of the City is defined as a person who is registered to vote and whose name appears on the Maricopa County voter register rolls within the boundaries of the City of Scottsdale twenty-nine (29) days prior to the date of election.

Section 4. Publication of the call and notice of election.

The publication of the call and notice of the Special Election shall be given, or caused to be given, by the City Clerk, as provided by law, and as may be deemed necessary and appropriate in the City Clerk's discretion to advise the public of the elections.

In the event that a mail ballot election is called, a Notice of Mail Ballot Election shall be published not less than once a week during each of the two calendar weeks immediately preceding thirty (30) days before the election.

Section 5. Deadline for voter registration and early voting dates.

Maricopa County registration and voting lists will be used for the Special Election. To be qualified to vote in the Special Election, a Scottsdale resident must be registered to vote by Monday, October 4, 2010.

Early voting will be permitted in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes, as amended.

Applications for early ballots for the Special Election will be available to qualified City electors beginning Sunday, May 23, 2010. Official ballots for the Special Election will be available beginning Thursday, October 7, 2010, unless a mail ballot election is called.

Section 6. Publicity pamphlet.

The City Clerk shall, if applicable and required by law, cause to be printed and mailed in time to be delivered to households before the earliest date for receipt by registered voters of any requested early ballots, a publicity pamphlet, pursuant to A.R.S. § 19-141(A). Arguments supporting or opposing the ballot measure(s) to be published in the publicity pamphlet shall be filed with the City Clerk no later than 5:00 p.m. on Wednesday, August 4, 2010. [A.R.S. § 19-141(B)].

Each argument shall not exceed 300 words in length and shall contain the original, notarized signature of each person sponsoring it. If the argument is sponsored by an organization, the original, notarized signatures of two executive officers are required. If the argument is sponsored by a political committee, the original, notarized signature of the committee's chair or treasurer is required. Persons signing shall also identify themselves by giving their residence or post office address and a telephone number, which shall not appear in the pamphlet [A.R.S. § 19-124(A)]. With each argument supporting or opposing the proposition, one hundred dollars (\$100.00) shall be deposited with the City Clerk, for a proportionate cost of paper and printing the argument [A.R.S. § 19-124(D)].

Section 7. Spanish translation.

To comply with the Voting Rights Act of 1965, as amended, the proceedings pertaining to these elections will be translated into Spanish and posted, published, and recorded in each instance where posting, publication, and recording for such proceedings are required, such as this call of election, the notice of election, ballots, all early voting materials, and all instructions at the polling places.

Section 8. Establishing polling places.

If polling places are used for this election, the polling place locations in the City of Scottsdale will be those established by Maricopa County and used for conducting previous elections in the City of Scottsdale, if available.

Section 9. Hours of the polling places.

If polling places are used for this election, the polls will be open from 6:00 a.m. until 7:00 p.m. on Election Day.

Section 10. Appointment of election boards.

The election board workers for the Special Election shall be appointed, or authorized to be appointed, by the City Clerk as may be deemed necessary and appropriate in the City Clerk's discretion to insure all polling places are fully staffed as required by law.

Section 11. Voting system.

Voting shall be by the Insight Optech Optical Scan System in use by Maricopa County Elections Department for the recordation of the electors' choices as authorized by Arizona Revised Statutes and pre-cleared by the United States Department of Justice.

The election shall be conducted and the poll lists kept, and the votes cast thereat shall be counted and tabulated, and the returns thereof shall be made in the manner provided by law and only persons who are qualified electors of the City shall vote at the City of Scottsdale Special Election.

Section 12. Official canvass.

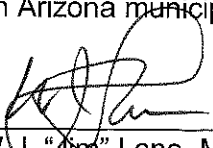
The returns of the Special Election shall be made to the City Council, which shall meet pursuant to law after the election to canvass the returns of the election and certify the results, all as provided by law.

Section 13. Report to president of the senate and speaker of the house.

If a mail ballot election is held, the City Clerk shall by January 1, 2011 prepare a written report to the president of the senate and the speaker of the house of representatives providing information regarding: voter turnout; election costs; mail ballot irregularities, if any; voter satisfaction; and number of nondeliverable ballots, all as required by A.R.S. § 16-409(B).


PASSED AND ADOPTED by the Council of the City of Scottsdale, Arizona, this 6th day of July, 2010.

CITY OF SCOTTSDALE,
an Arizona municipal corporation




W.J. "Jim" Lane, Mayor

ATTEST:



Carolyn Jagger, City Clerk

APPROVED AS TO FORM:



Bruce Washburn, City Attorney
By: Paul M. Norman
Senior Assistant City Attorney