



Options for Conducting City Elections

This item requests direction from the City Council about consolidating City Elections with the State Primary and General Elections conducted by Maricopa County in the fall of even-numbered years.

Summary

In January 2018, in response to a citizen petition, the City Council directed staff to research options for possible consolidation of City Elections and return in March. The following information presents the research and options.

Background

Since incorporation in 1881, Phoenix non-partisan elections have been separate from Federal, State and County elections. City elections were originally held in the spring, but have been held in the fall of odd-numbered years since 1949. The City Charter contains several provisions governing City elections, and Chapter 12 of the City Code contains extensive provisions establishing procedures for City elections. The City Charter provides that City elections shall be held in the fall of odd-numbered years, with the terms of the mayor and council members beginning on the first business day in January following the election.

In 1996, State legislation was adopted limiting political subdivisions to holding elections on four dates each year - March, May, September (now August) and November. The Legislature declared the provision to be a matter of statewide concern, preempting City Charter provisions, and the State courts upheld preemption of election dates in a challenge by the City of Tucson. As a result, since 1997, Phoenix has been required to hold its elections on the permitted dates in the fall of odd years.

Over the years, the City has continually looked for ways to make voting more efficient and has been a leader in the State in innovation. In 1996, the City became the first jurisdiction in the state to create a Permanent Early Voting List (PEVL), a list of voters who wanted to automatically receive an early ballot request postcard for each City election, making it easier for voters to cast ballots using the vote-by-mail method. The voters on this list were sent request cards for the first time to request early ballots by mail for the election in September 1997. Beginning with that election, the number of

voters who were casting early ballots by mail began to increase dramatically.

In 2007, a new State law creating a statewide Permanent Early Voting List was adopted. Voters on this PEVL would automatically be mailed a ballot unless they declined a ballot. The voters on the City list were automatically added to the County list for the May 2008 Election. This created another increase in the percentage of voters casting early ballots by mail. For City elections from 2008-2017, on average nearly 95% of ballots cast each election were mail ballots.

As the popularity of voting by mail continued to grow, the City sought to make voting at the polls more efficient and convenient. In 2011, a new voting center method replaced the more restrictive traditional polling place method. Voters were now able to vote at any one of the approximately 27 voting center locations of their choosing over a three-day period instead of being assigned a specific polling place open for only one day. Phoenix was the first jurisdiction in the state to use the voting center method and the first to have voting centers open for more than one day. Other jurisdictions in the state have switched to voting centers because of the convenience for voters and cost efficiency.

Voter Turnout

Staff researched voter turnout percentages since 2011 for City elections in fall of odd-numbered years and turnout by Phoenix voters in the State Primary and General Elections conducted by Maricopa County in fall of even-numbered years. For State General Elections in November of even years when the Governor is elected, turnout is about 20% higher than for City elections, and about 45% higher in Presidential Elections (**Attachment A**). However, since City candidate elections are non-partisan, the City uses a general/runoff election system rather than the primary/general system used by the State, which reduces the number of City elections in November. Over the last 20 years, only 30% of City candidate races went to a runoff election in November. The City's general elections are in August, when the majority (70%) of City candidate races are decided, and propositions also appear on that ballot. For elections in August, the turnout in the partisan State Primary Elections in even years has been about the same as the City elections in odd years, or up to 3% higher (**Attachment B**).

Another factor to consider for potential consolidation of non-partisan City elections on the State partisan primary ballot in even-numbered years is the impact on Phoenix voters who are registered without a party designation (Independent) (**Attachment C**). For City elections in odd years, ballots are mailed to all voters on the PEVL regardless of party designation (**Attachment D**). For the open state partisan primary election, about 150,000 Phoenix Independent voters would not automatically receive a ballot by mail, which would also have the City offices and measures, unless they notify the

County (either by returning a postcard, online, or by phone) which ballot to send - a specific party ballot, or a city/non-partisan ballot. In 2016 and 2014, over 80% of these voters did not respond to designate a type of ballot and did not receive a ballot by mail.

Cost of Elections

Staff prepared a cost comparison for City elections over the last 20 years. The comparison was based on the current approximate costs for the City or County to conduct a citywide election. A City election, using early voting and voting centers, costs about \$1 million. The cost for the City to place candidate races and propositions on a County Primary or General Election ballot in the fall of even years is about \$500,000. The lower cost is because all jurisdictions on the ballot share the cost. However, the cost for the County to conduct an election for the City on a date other than the fall of even years is about \$2 million.

Over the 20-year period, staff found that the total cost for elections would have been slightly higher if Maricopa County had conducted the elections (\$22.69 million) on a consolidated schedule instead of the City conducting the elections on its current election schedule (\$22.6 million). Beginning in 2020, Maricopa County has advised that the cost for elections conducted by the County on dates other than August and November in even-numbered years will increase between 5-10% (**Attachment E**).

Although the cost of a consolidated election with the State elections in even years is about half the cost for the City to conduct the election, the cost for the City to conduct elections was still less because of the number of special elections during the period. In the last 20 years, there were 30 city elections - 18 regular candidate elections and 12 special elections. The cost for the County to conduct a special election for the City other than with a Primary or General election is about \$2 million, while the cost for the City to conduct a special election is about \$1 million. One citywide special election conducted by the County offsets the savings from four citywide consolidated regular candidate elections. Accordingly, for the City to realize an overall reduction in election costs from consolidation, the number of special elections would have to be reduced. Currently, voter approved provisions in the Phoenix Charter require special elections for Council vacancies and for initiative petitions.

Charter Amendments Required for Consolidation

To consolidate City candidate elections in the fall of even years, seven amendments to the City Charter would have to be approved by voters. These changes are interrelated and several could be combined into one measure. The first amendment would accomplish the following: 1) change regular City candidate elections to the fall of even years; 2) change the City Council terms to begin in January following the even-year elections and extend the terms of the existing Council by one year to coincide with the

even-year elections; 3) repeal the provision prohibiting consolidation of City candidate elections with State elections; 4) change the date for the canvass of vote and declaration of results based on the longer time required by the County to complete tabulation for a State election; and 5) permit the County to designate polling places for the City election when elections are consolidated.

Two other Charter amendments would be required as separate measures. One would amend the unanimous vote requirement to refer Charter amendments to voters, allowing measures to fit on a State ballot. The second would change the terms of the citizen's salary commission to align with even-year elections.

In addition to the required Charter changes, several other amendments would be necessary to reduce the number of special elections required by the Charter in order to realize cost savings from consolidation. These changes could be referred as three amendments as follows: 1) to change when special elections are required to fill council vacancies; 2) to modify when a special election is required for initiative petitions; and 3) to implement verification of initiative and referendum petitions by random sample to match state law, rather than verification of every signature, to reduce costs.

Alternate Expenditure Limitation (Home Rule)

The Arizona Constitution imposes a spending limitation on cities, but allows for voters to approve an Alternate Expenditure Limitation (AEL), to override the limitation (Home Rule option). The Home Rule option for voters to decide the expenditure limit must be held at regularly scheduled candidate elections.

The last election where Phoenix voters approved the Home Rule option was in August 2015. That approved expenditure limit will expire at the end of FY 2019 and the Constitution does not provide for extending the voter-approved period. There appears to be no other established legal mechanism to extend the current approved AEL or to adopt an interim or special expenditure limitation.

When elections in non-Charter cities and towns were consolidated in 2012, several cities and towns encountered the issue of a gap in the AEL because of the change from odd- to even-year elections. In 2013, the legislature enacted a measure that extended the existing voter approved Home Rule options for one year to allow jurisdictions to reset their Home Rule elections to coincide with even-year elections. Legislative action to adopt a similar provision would be necessary to assist the City to make this transition without potential penalties.

Other Considerations

There are other factors to be considered for consolidating City elections. A summary of these considerations and differences in the way the County administers elections is

attached (**Attachment F**). For example, the ability for voters to receive information through the media about City elections may be hampered due to the focus being placed on the State and Federal elections. Additionally, the location where City races and ballot measures will appear on the County ballot will be affected by the available space.

Options for Conducting City Elections

There are several options to be considered for conducting City elections. These include the City continuing to conduct elections in fall of odd years using voting centers or an all-mail election. City elections also could be consolidated to the fall of even years with the State Primary and General Elections conducted by Maricopa County.

A. Voting Center Election (Current Method)

The City could continue the current practice of conducting its own elections with regularly scheduled Mayor and Council elections in the fall of odd-numbered years. The PEVL would be used to mail early ballots to all voters on the list and voting centers would be used for voting at the polls. The cost for each Citywide election would be approximately \$1 million.

B. All-Mail Election (Conducted by City)

The City could continue to conduct its own elections with regularly scheduled Mayor and Council elections being held in the fall of odd-numbered years, but changing to an all-mail election. Ballots would be mailed to all 700,000 registered City voters. Ballot replacement centers (two per council district) would be open for five days for voters to replace spoiled or damaged ballots, or to drop off voted ballots. Based on a return rate of 35% (the average return rate for PEVL voters) the cost for each Citywide election would be approximately \$1.65 million. The cost for an all-mail election is higher for the City because of the efficiency of the current voting center model and increased printing and postage costs.

Cost: If the City continues to conduct elections using either option A or B, the current ballot tabulation system will need to be replaced in 2020. The current system was implemented in 1985 and will have been used for 25 years, far exceeding its intended life. This technology project has been approved by the Business Investment Board with high priority at an estimated cost of \$800,000, contingent upon a City Council decision that the City will continue to conduct elections.

C1. Consolidated Election (Even Years)

In this option, regularly scheduled City candidate elections for Mayor and Council, and any ballot propositions, would be consolidated with the Maricopa County Primary Election in August in even-numbered years, with a runoff election, if necessary, in

November. Several changes to the City Charter would be required to implement this option, which would require voter approval. Maricopa County currently uses the traditional polling place method for these elections for voting at the polls.

The County also uses the PEVL to mail early ballots to voters in August and November. However, for the August Primary Elections, ballots are not mailed to voters who have not registered with a party designation (Independents), if they have not designated the type of ballot they want to receive (a party ballot or a city/non-partisan ballot). These Independent PEVL voters would need to return the notification postcard, go online, or call the County to designate the ballot type to be mailed. If Independent voters do not designate a ballot type, they will not receive a ballot by mail. In the last two Primary Elections, over 80% of these voters did not respond to designate a ballot type and did not receive a ballot by mail.

The cost for each Citywide election on the consolidated election dates would be approximately \$500,000. The County has informed the City that any elections other than the fall of even-numbered years will be all-mail, with no exceptions. The cost for the County to conduct a Citywide special election on a date other than the fall of even-numbered years would be approximately \$1.7 million. Beginning in 2020, this cost would increase to approximately \$2 million, which may increase further because the County may begin charging for processing each returned ballot.

If City elections are consolidated with the County, the City would still be required to handle several aspects of election administration. This is consistent with what all other cities that have consolidated elections are required to do. The City responsibilities include the candidate process and verification of nomination petition signatures, campaign finance administration, production and mailing of publicity pamphlets when there are propositions on the ballot, and some legal advertising and notices.

The City Council also requested information on consolidating elections with the County in the fall of even years with the first candidate election in November and a Runoff Election, if necessary, in March (November/March election cycle), or, if possible, with no Runoff Election (November only).

C2. Consolidated Election (November/March)

The City could consolidate regularly scheduled elections for Mayor and Council, and any ballot propositions, with the State General Election in November of even-numbered years. Any Runoff elections would then be held in March of the following year. There are currently no other jurisdictions in the state using a November/March election cycle, and state election law is structured for candidate elections to occur in a March/May or August/November cycle. For this option, the terms of office for the

Council would have to be changed to begin after the March Runoff Election. This would prevent candidates who were elected in November from taking office until almost six months after the election, and the Council terms would change during the annual budget approval cycle. Several changes to the City Charter would also be required to implement this option.

Further, for the Runoff Election in March, the County would require the election to be conducted as an all-mail election. Ballots would automatically be mailed to all eligible Phoenix voters. The County also uses ballot replacement centers, but the number of locations is not pre-determined. The campaign for the Runoff election would last almost five months.

The cost for each citywide election conducted by the County in November of even-numbered years would be approximately \$500,000. The March runoff election would be all-mail. The cost for each citywide all-mail election conducted by the County on the March date would be approximately \$1.7 million. Beginning in 2020, the cost for each citywide all-mail election on the March date would increase to approximately \$2 million.

C3. Consolidated Election (November Only)

The last option staff researched would be to consolidate the regular election for Mayor and Council in November of even years with the Maricopa County General Election, with the candidate receiving the highest number of votes for each office being elected in this election, without a Runoff Election. State law does not permit this option. Candidates cannot be elected in the first, or primary, election in a cycle without receiving a majority of the votes cast. If no candidate receives a majority, a second, or runoff, election is required.

Conclusion

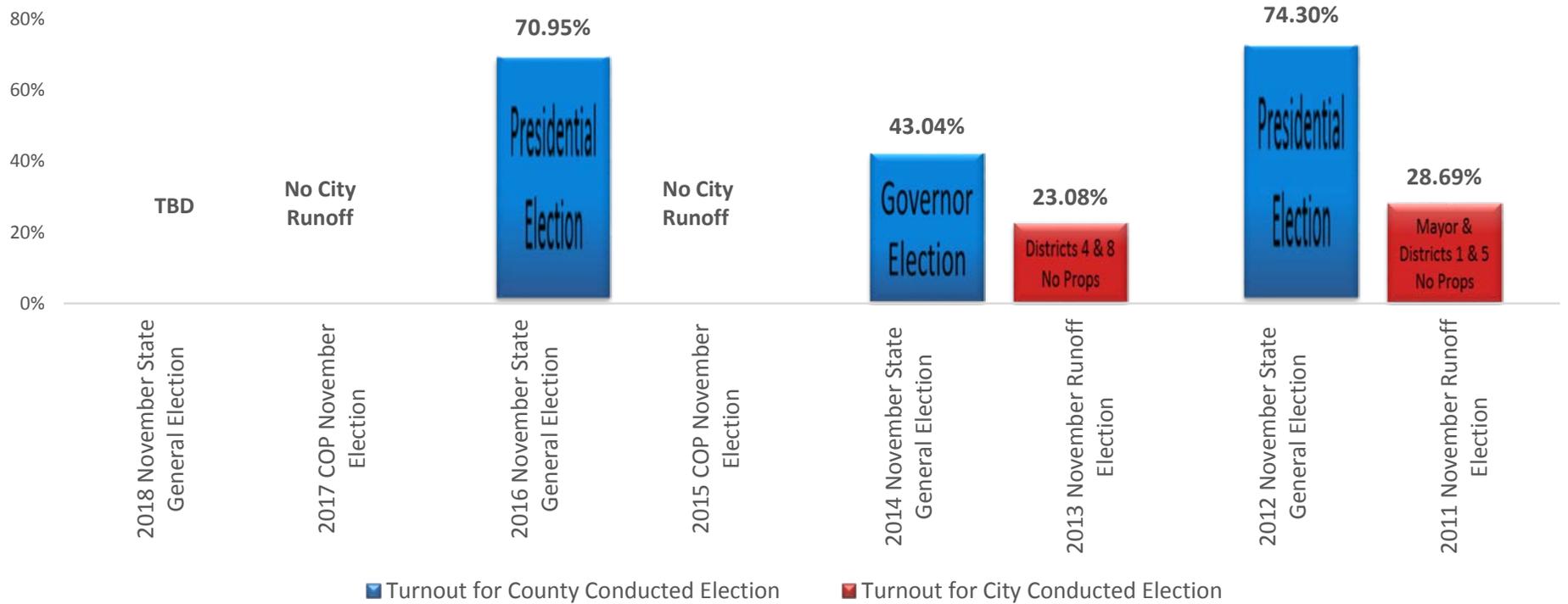
Staff seeks direction from the City Council on whether the City will continue to conduct City elections in the fall of odd years, or whether the City candidate elections will move to the fall of even years to consolidate with the State Primary and General Elections conducted by Maricopa County on either an August/November or a November/March election cycle. Amendments to the City Charter are required for either consolidation option. If the Council chooses to consolidate, staff will then draft the necessary Charter amendments and ordinances for Council consideration for referral to voters for consideration.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

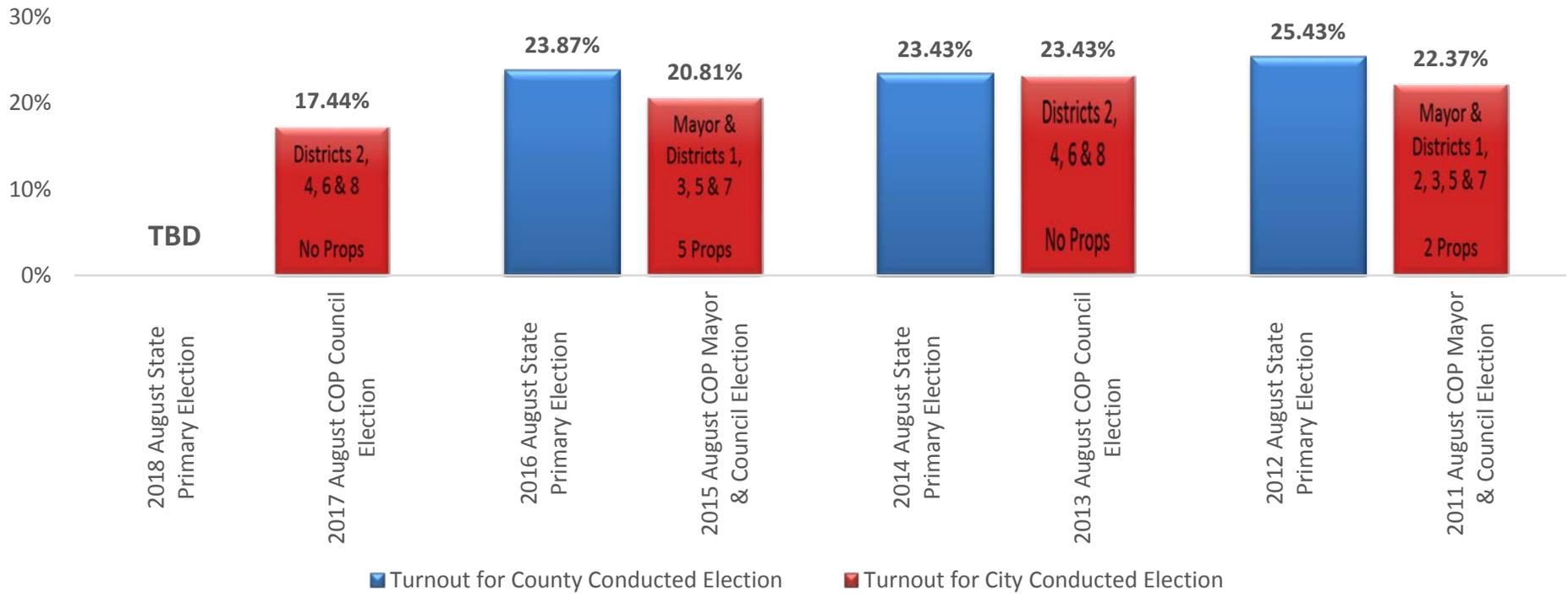
Attachment A

November Election Turnout (Phoenix Voters Only): City Mayor & Council vs. County General



Attachment B

August Election Turnout (Phoenix Voters Only): City Mayor & Council vs. County Primary



Attachment C

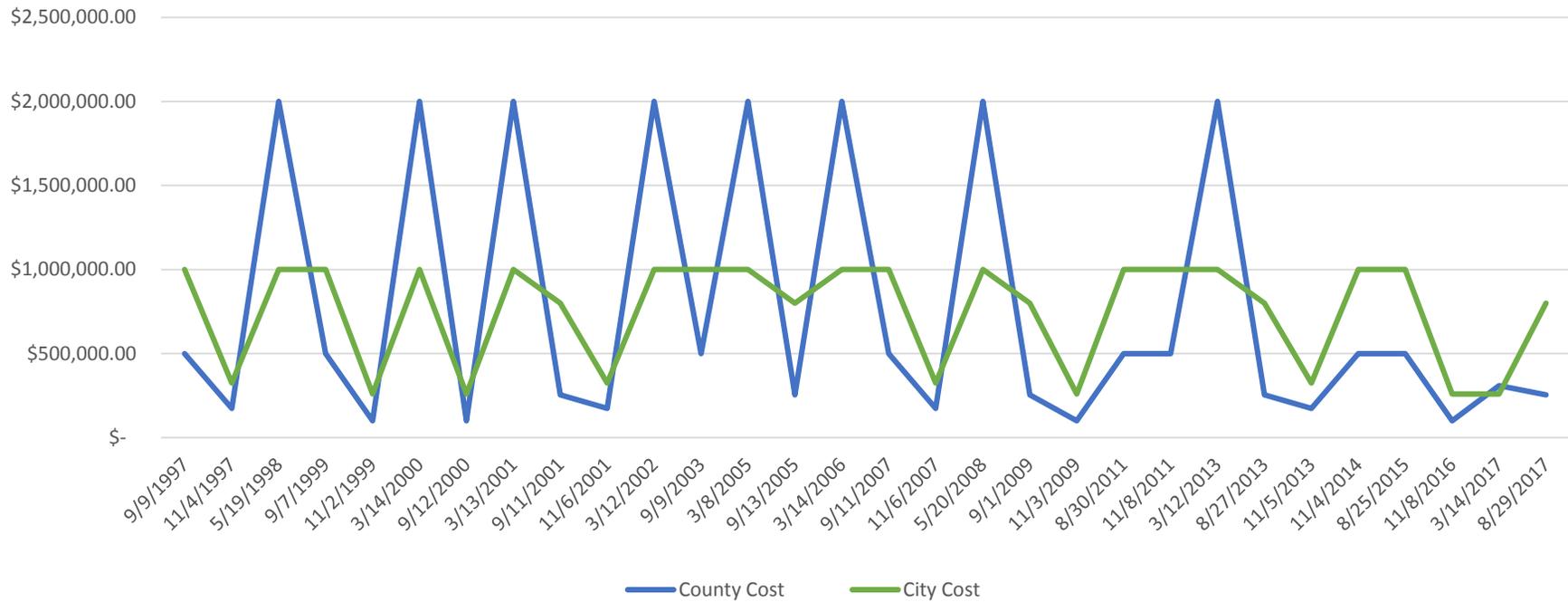
| Registered Voters in the City of Phoenix by Party | | |
|--|---|---|
| Party Affiliation | Registered Voters (% of Overall Total) | Number on PEVL (% of PEVL Total) |
| Democratic | 252,516 (34.88%) | 192,512 (39.09%) |
| Independent | 255,583 (35.31%) | 148,728 (30.20%) |
| Republican | 205,511 (28.39%) | 151,272 (30.71%) |
| Other Parties | 10,294 (1.42%) | 18 (0.00%) |
| TOTALS | 723,904 | 492,530 |

Attachment D

| Independent Voters on the PEVL Who Received a Ballot | | |
|---|-------------------------|--|
| Election | Sent Notice | Mailed a Ballot (% of Voters Mailed a Ballot) |
| Maricopa County Primary Election - August 2016 | 411,172 (countywide) | 62,880 (15.29%) |
| Maricopa County Primary Election - August 2014 | 399,794 (countywide) | 75,878 (18.98%) |
| City of Phoenix Elections | 148,728 (citywide) | 148,728 (100%) |

Attachment E

20 Year Election Cost Comparison: City vs. County



Total County Cost: \$22.69m

Total COP Cost: \$22.6m

County costs will increase by 5% to 10% in January 2020

Attachment F

Consolidated Elections (Fall of Even Years) Summary of Differences and Other Considerations

| Item | City (Current) | County (Consolidated) |
|-------------------------|--|---|
| Election Method | Use voting centers and PEVL for all elections. Council can decide to conduct any election by all-mail. | Consolidated elections conducted using polling places and PEVL. All special elections only conducted by all-mail. |
| Voting at Polls | Any voter can go to any voting center to cast a ballot on Sat., Mon., or Tues. | Voters must go to the designated polling place for their precinct on Tues. only. |
| PEVL Voters | Ballot mailed automatically to all PEVL voters for all elections. Only about 35% of PEVL voters return a voted ballot. | <u>Aug. Primary</u> – Ballots are not mailed to PEVL voters registered as IND (150,000 City voters), unless voter notifies the County what type of ballot to mail – a party or city/non-partisan ballot. Voters can provide notice by return postcard, online or phone; about 15-19% notify County. <u>Nov. General</u> – Ballots are mailed automatically to all PEVL voters. |
| Ballot Language | Ballot and all materials printed in both English and Spanish. | <u>Aug. Primary</u> – Ballot printed in both English and Spanish, if space permits. <u>Nov. General</u> – Separate English and Spanish ballots printed. |
| Ballot Measure Capacity | About 90% of ballot space available for props. | <u>Aug. Primary</u> – Usually space for 6-8 props with short descriptive title; 10 or more using only a 50-word statement of the subject. Full text possible for 2-4 items. Additional ballot page possible for \$210,000. <u>Nov. General</u> – Limited space, usually 2-4 props using 50-word statement of the subject. Additional page possible for \$210,000. |
| Ballot Text | Long descriptive title or full text of props for all elections. | <u>Aug. Primary</u> – Limited to short descriptive title, or a 50-word statement of the subject. <u>Nov. General</u> – Limited to a 50-word statement of the subject. |
| Ballot Length | Only City races / ballot measures are on the ballot – more media attention can be placed on local races. | Ballots are longer with Federal, State, County, School and Special District offices, Judges, and State, County and Special District props. |

| | | |
|------------------------------|--|--|
| Long Ballot Effect on Voters | On shorter ballots, less challenging for voters to become informed on all items. Research show less vote drop-off than on longer ballots. | Challenging for voters to become informed on all items on long ballots. Research shows that on long ballots, voters tend not to vote on all items if they don't have information, or vote to keep the status quo on ballot measures (i.e.: for a bond measure, either vote no or leave blank). |
| Publicity Pamphlet | The City prepares the Publicity Pamphlet in both English and Spanish and mails to all voter households. | The City, not the county, is still responsible for preparing and mailing the Publicity Pamphlet; the pamphlet would not change. |
| Media Coverage | Only City races / ballot measures are on the ballot - more media attention can be placed on local races. | Research shows less media coverage is spent on local elections when higher offices are on the ballot. |
| Campaigns | Less competition for ad time and space, resulting in lower ad costs for campaigns. | More offices and props make ads more costly and harder for local campaigns to obtain ad coverage. |
| Campaign Signs | Only signs for the City election are posted, resulting in less conflicts and issues over signs. | Signs for many candidates and props on the ballot results in many more signs posted and more conflicts and issues over signs. |
| Turnout – Aug | Turnout averages about 25%. | Turnout in County Primary the same as City election, or up to 3% higher. |
| Turnout – Nov | Runoff Election in Nov. needed only for 30% of candidate races. Turnout same as Aug. | Turnout in Governor election is about 20% higher than City, and about 45% higher in Presidential election. |
| Election Results | Counting usually completed and results available 3 days after the election. Can determine number of ballots remaining in a race in 1-2 days. | Counting usually completed and available 2 weeks after the election. Cannot determine ballots remaining in a race for several days, if at all. |
| Results Detail | Complete detailed results available for each precinct and district. | Complete detailed results not available for all precincts or by district because some precincts are split by city or district boundaries. |
| Cost (Consolidated) | About \$1 million for a Citywide election using voting centers. | \$500,000 if consolidated with the State Primary or General Elections in fall of even years. |
| Cost (Special) | About \$1 million for a Citywide election using voting centers. Cost for an all-mail election is about \$1.65 million. | Election must be all-mail at a cost of about \$1.7 million. In 2020, cost will increase to about \$2 million. |