

# **Exhibit A**

ADOPTED BY THE  
MAYOR AND COUNCIL

February 19, 2020

ORDINANCE NO. 11731

RELATING TO ELECTIONS; PURSUANT TO THE PROVISIONS OF TUCSON CHARTER CHAPTER IV, SECTION 1(20) AND CHAPTER XVI, SECTION 6; TUCSON CODE SECTION 12-38; AND ARIZONA REVISED STATUTES SECTION 16-409, CALLING THE AUGUST 3, 2021 CITY PRIMARY ELECTION AND THE NOVEMBER 2, 2021 CITY GENERAL ELECTION, AND GIVING NOTICE THAT THESE ELECTIONS, AND ANY SPECIAL ELECTIONS OCCURRING ON EITHER OF THOSE DATES, WILL BE CONDUCTED AS MAIL BALLOT ELECTIONS SUPPLEMENTED BY ON-SITE VOTING LOCATIONS IN EACH WARD; AND DECLARING AN EMERGENCY.

WHEREAS Chapter XVI, Sec. 6 and Chapter IV, Sec.1(20) of the Charter empower the Mayor and Council to provide for the manner in which and the times at which any City election shall be held; and

WHEREAS Tucson Code (T.C.) Sec. 12-38 and A.R.S. § 16-409 authorize the Mayor and Council to conduct any City election as a mail ballot election, and T.C. Sec. 12-38 also provides that all City elections held on the same date shall use the same method of voting; and

WHEREAS the Mayor and Council desires that the City conduct as mail ballot elections the August 3, 2021 primary election, the November 2, 2021 general election, and any special elections occurring on either of those dates; and

WHEREAS the Mayor and Council shall comply with the requirements of Tucson Charter Chapter XVI, Sec. 10 and T.C. Secs. 12-15 and 12-38 and designate at least one (1) location in each Ward in the City for the casting of votes, with each such location to be kept open on the day of election from 6:00 a.m. to 7:00 p.m.; and

WHEREAS, conducting the candidate elections for Wards 3, 5 and 6 in 2021 is mandated by the Tucson Charter, the provisions of which control over any conflicting re-

quirements of A.R.S. Sections 16-204.01 and 16-204.02 pursuant to various decisions of the Arizona courts, including *City of Tucson v. State of Arizona*, 229 Ariz. 172 (2012) and *City of Tucson v. State of Arizona*, 235 Ariz. 434 (App. 2014), *review denied* (March 17, 2015).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Tucson Charter Chapter IV, Sec. 1(20) and Chapter XVI, Sec. 6, the Mayor and Council call a City primary election, to be held on Tuesday, August 3, 2021, at which candidates for the offices of Council Members from Wards Three, Five, and Six shall be nominated for each properly and duly qualified political party.

SECTION 2. Pursuant to the provisions of Tucson Charter Chapter IV, Sec. 1(20) and Chapter XVI, Sec. 6, the Mayor and Council call a City general election, to be held on Tuesday, November 2, 2021, at which three Council Members representing Wards Three, Five, and Six shall be elected, who shall hold office for the term commencing at 10:00 a.m. on Monday, December 6, 2021, and extending to 10:00 a.m. on Monday, December 1, 2025, and until their successors are elected and qualified.

SECTION 3. The Council Members shall be nominated each from and by the respective voters of the ward in which he or she resides, and shall be elected by the voters of the City at large.

SECTION 4. Pursuant to the provisions of Tucson Charter Chapter IV, Sec. 1(20) and Chapter XVI, Sec. 6; T.C. Sec. 12-38; and A.R.S. § 16-409, the August 3, 2021 Primary Election and the November 2, 2021 General Election, and any special elections occurring on those dates, will be conducted as mail ballot elections.

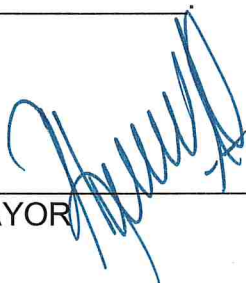
SECTION 5. Pursuant to Tucson Charter Chapter XVI, Sec. 10 and T.C. Secs. 12-15 and 12-38, the City Clerk is authorized and directed to identify and designate at least one (1) location in each Ward for the casting of ballots.

SECTION 6. The City Clerk is authorized and directed to cause this Ordinance to be published in a daily newspaper published and circulated in the City of Tucson.

SECTION 7. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 8. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this Ordinance become immediately effective, an emergency is hereby declared to exist and this Ordinance shall become effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, on February 19, 2020

  
\_\_\_\_\_  
MAYOR

ATTEST:


  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

  
\_\_\_\_\_  
CITY MANAGER

  
DPM/dg  
2/11/20