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SUPREME COURT VICTORY FOR CHARTER CITIES AND LOCAL CONTROL

Effort to Overrule City Election System Ruled Unconstitutional

PHOENIX (April 10, 2012) – The Arizona Supreme Court on Friday upheld a vital principle of local control for Arizona charter cities when it rejected a state law that sought to overrule the way Tucson holds its municipal elections.

Except for Tucson, Arizona cities and towns elect council members in non-partisan elections; Tucson uses a partisan system. In 2009, state lawmakers passed a law that mandated all municipal elections be non-partisan, effectively overruling the city charter of Tucson. That bill was sponsored by then State Rep. Jonathon Paton, R-Tucson.

But the Arizona Supreme Court has ended that fight with a historic 24-page opinion that supports Tucson’s constitutional authority to run its elections locally. The ruling clearly states, “...under Arizona’s Constitution, eligible cities may adopt a charter – effectively, a local constitution – for their own government without action by the state Legislature.”

Tucson Mayor Jonathan Rothschild praised the ruling as a major victory for cities and towns across Arizona. “The court’s decision was historic because it absolutely clarifies and codifies the principles of local authority versus state authority,” Rothschild said. “We appreciate the Court’s wisdom in supporting Tucson’s constitutional right to create a charter government of its citizens’ choosing.”

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A key portion of the ruling, applicable to all cities and towns in the state, says, “Nineteenth century case law and legal commentary generally viewed cities and towns as entirely subordinate and dependent on the state’s legislature for any governmental authority...The framers of Arizona’s Constitution, however, rejected that view, valuing local autonomy.”

The president of the League, Mayor Doug Von Gausig of Clarkdale, said, “This opinion provides a strong basis for the principles of ‘home rule’ among the municipalities of Arizona. We applaud the Court for its strong, definitive opinion in favor of local control.”

About the League:

The League of Arizona Cities and Towns is a voluntary association of all the 91 incorporated cities and towns in the state of Arizona. It provides policy and legislative advocacy, information and inquiry services, along with publications and educational programs to strengthen the quality and efficiency of municipal government. It was founded in 1937 to serve the interests of cities and towns and to preserve the principles of home rule and local determination. For more information, visit www.azleague.org.

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