

Town council eliminates competition with improper election rules

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Christina Kohn - Special to The Independent |

The Town of Quartzsite, Ariz., recently used unlawful restrictions to limit the choices of voters in a town council recall election. Quartzsite Ordinance 09-15 prohibits otherwise qualified candidates from running for council if they owe the town money. This might sound like a good idea – who would oppose a ban on debtors running their town? But in reality, this ordinance has been used to insulate the seats of current council members and prevent potential opponents from running for office.

The March 8 recall election was no different. Voters were asked whether they wished to recall five of Quartzsite's six council members, but the council limited the options for replacement council members. At least three potential candidates were prevented from campaigning for seats under the ordinance. In at least one case, evidence establishing a candidate's debts to the town is questionable. But the ordinance hasn't harmed a current council member, initially appointed to fill a vacancy and a target of the recall, who appears to owe the town a substantial amount of tax money.

This is why limitations on who may run for local office are set at the state level. Allowing current politicians to limit their potential competition is the proverbial fox guarding the henhouse. An Arizona statute, A.R.S. § 9-232, establishes the qualifications for council candidates. A council member must be at least 18 years old and a qualified elector living in the town for at least a year. State courts have recognized that towns cannot set qualifications beyond those established by this statute.

If Quartzsite thinks it is a good idea to place additional limits on who may run for town council, it should persuade the Legislature to pass a new law with those limits. Otherwise, it should repeal the unlawful ordinance and in the next election let the voters decide who among any of the qualified candidates they believe will best represent them.

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