

PURSUANT TO A.R.S. SECTION 38-431 THE GILA COUNTY BOARD OF SUPERVISORS WILL HOLD AN OPEN MEETING IN THE SUPERVISORS' AUDITORIUM, 1400 EAST ASH STREET, GLOBE, ARIZONA. ONE OR MORE BOARD MEMBERS MAY PARTICIPATE IN THE MEETING BY TELEPHONE CONFERENCE CALL OR BY INTERACTIVE TELEVISION VIDEO (ITV). **ANY MEMBER OF THE PUBLIC IS WELCOME TO ATTEND THE MEETING VIA ITV WHICH IS HELD AT 610 E. HIGHWAY 260, BOARD OF SUPERVISORS' CONFERENCE ROOM, PAYSON, ARIZONA.** THE AGENDA IS AS FOLLOWS:

SPECIAL MEETING - MONDAY, SEPTEMBER 17, 2012 - 10 A.M.

- 1 Call to Order - Pledge of Allegiance
- 2 **REGULAR AGENDA ITEMS:**
 - A Information/Discussion/Action to certify the recount results of the Congressional District 4 Democratic race between Robinson, Johnnie and Weisser, Mikel from the Primary Election held on August 28, 2012.
(Linda Eastlick)
- 3 **CALL TO THE PUBLIC:** Call to the Public is held for public benefit to allow individuals to address issue(s) within the Board's jurisdiction. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for further discussion and decision at a future date.
- 4 At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the Chief Administrator may present a brief summary of current events. No action may be taken on issues presented.

IF SPECIAL ACCOMMODATIONS ARE NEEDED, PLEASE CONTACT THE RECEPTIONIST AT (928) 425-3231 AS EARLY AS POSSIBLE TO ARRANGE THE ACCOMMODATIONS. FOR TTY, PLEASE DIAL 7-1-1 TO REACH THE ARIZONA RELAY SERVICE AND ASK THE OPERATOR TO CONNECT YOU TO (928) 425-3231.

THE BOARD MAY VOTE TO HOLD AN EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE FROM THE BOARD'S ATTORNEY ON ANY MATTER LISTED ON THE AGENDA PURSUANT TO A.R.S. SECTION 38-431.03(A)((3).

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

ARF-1479

Regular Agenda Item 2- A

Special Meeting

Meeting Date: 09/17/2012

Submitted For: Linda Eastlick, **Submitted By:** Linda Eastlick, Elections Director,
Elections Director, Elections Department

Department: Elections Department

Information

Request/Subject

Certification of Recount for U.S. Representative in Congress District 4 Democrat Race

Background Information

The Maricopa County Superior Court has ordered a recount under the automatic recount provisions of ARS 16-661 for the Primary Election Congressional District 4 Democratic race between ROBINSON, JOHNNIE and WEISSER, MIKEL.

ARS 16-661(A)(1) provides for an automatic recount of the vote when the canvass of returns shows that the margin between the two candidates receiving the greatest number of votes for a particular office is less than or equal to one-tenth of one percent of the number of votes cast for both candidates.

ARS 16-662 provides that when the canvass shows that a recount is required, the secretary of state shall certify the facts requiring the recount to the Superior Court in Maricopa County.

ARS 16-663 requires the Superior Court make and enter an order requiring the recount.

ARS 16-665 provides the result of the recount shall be presented to the court and the court shall then announce the result and enter an order setting forth its determination.

Evaluation

The margin between the two candidates is 19 votes which is less than 20.35, which is one-tenth of one percent of the votes cast for the top two candidates.

The recount is limited to the Primary Election Congressional District 4 Democratic race between ROBINSON, JOHNNIE and WEISSER, MIKEL.

Conclusion

The recount was performed as required. The Board of Supervisors is now required to certify the recount results by September 17, 2012. The certified results will be submitted to the Secretary of State for submission to the Superior Court.

Recommendation

The Elections Director recommends the board review and certify the recount results for the Primary Election Congressional District 4 Democratic race between ROBINSON, JOHNNIE and WEISSER, MIKEL.

Suggested Motion

Information/Discussion/Action to certify the recount results of the Congressional District 4 Democratic race between Robinson, Johnnie and Weisser, Mikel from the Primary Election held on August 28, 2012.

(Linda Eastlick)

Attachments

Recount Statutes



Fiftieth Legislature - Second Regular Session

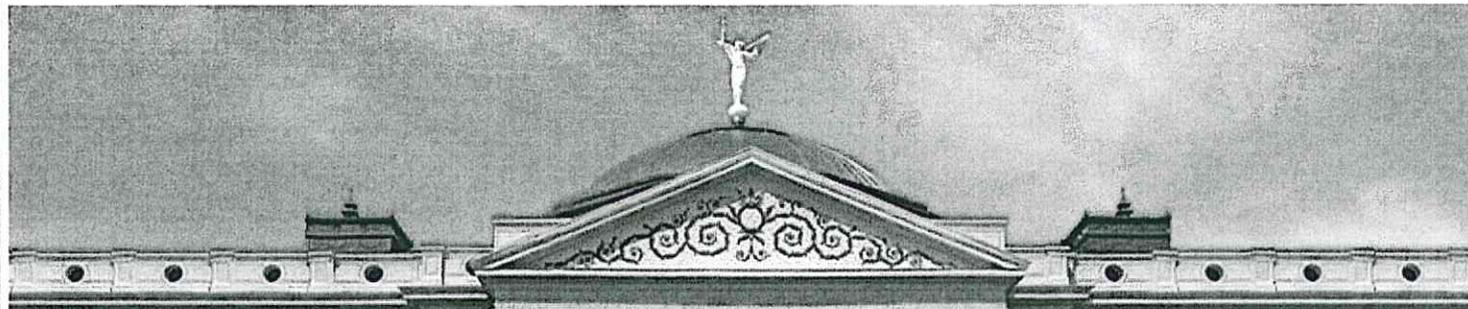
[Email a Member](#) | [Email Webmaster](#)
[change session](#) | [printer friendly version](#)
[Senate](#)[House](#)[Legislative Council](#)[JLBC](#)[More Agencies](#)[Bills](#)[Committees](#)[Calendars/News](#)
[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

16-661. Automatic recount; requirements; exemption

A. A recount of the vote is required when the canvass of returns in a primary or general election shows that the margin between the two candidates receiving the greatest number of votes for a particular office, or between the number of votes cast for and against initiated or referred measures or proposals to amend the Constitution of Arizona, is less than or equal to the lesser of the following:

1. One-tenth of one per cent of the number of votes cast for both such candidates or upon such measures or proposals.
2. Two hundred votes in the case of an office to be filled by state electors and for which the total number of votes cast is more than twenty-five thousand.
3. Fifty votes in the case of an office to be filled by state electors and for which the total number of votes cast is twenty-five thousand or less.
4. Two hundred votes in the case of an initiated or referred measure or proposal to amend the constitution.
5. Fifty votes in the case of a member of the legislature.
6. Ten votes in the case of an office to be filled by the electors of a city or town or a county or subdivision of a city, town or county.

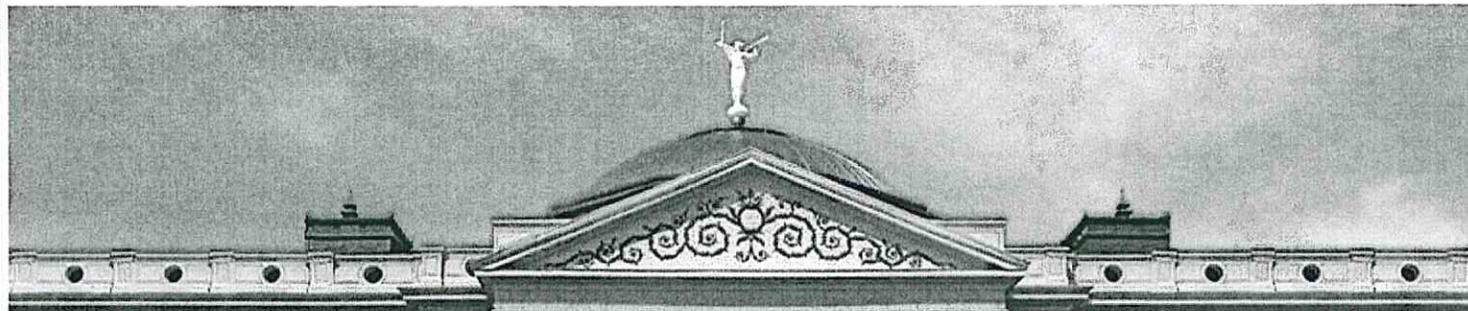
B. Subsection A does not apply to elections for precinct committeemen, school district governing boards, community college district governing boards, fire district boards or fire district chiefs or secretary-treasurers or boards of other special districts.



Fiftieth Legislature - Second Regular Session

[change session](#) | [printer friendly version](#)[Email a Member](#) | [Email Webmaster](#)[Senate](#)[House](#)[Legislative Council](#)[JLBC](#)[More Agencies](#)[Bills](#)[Committees](#)[Calendars/News](#)[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)**16-662. Certification to superior court of facts requiring recount**

When the canvass shows that a recount is required, the secretary of state shall, in the case of an office to be filled by electors of the entire state, a congressional district, a legislative district or a subdivision of the state greater than a county, initiated or referred measures or proposals to amend the constitution, certify the facts requiring the recount to the superior court in Maricopa county. In the case of an office to be filled by the electors of a county or subdivision of a county or precinct, the board of supervisors of such county or in the case of an office to be filled by the electors of a city or town, the city or town council of that city or town shall certify the facts requiring a recount to the superior court in the county in which the canvass was conducted.



Fiftieth Legislature - Second Regular Session

[change session](#) | [printer friendly version](#)[Email a Member](#) | [Email Webmaster](#)[Senate](#)[House](#)[Legislative Council](#)[JLBC](#)[More Agencies](#)[Bills](#)[Committees](#)[Calendars/News](#)

ARS TITLE PAGE	NEXT DOCUMENT	PREVIOUS DOCUMENT
--------------------------------	-------------------------------	-----------------------------------

16-663. Recount of votes; method

A. The superior court to which the facts requiring a recount are certified shall forthwith make and enter an order requiring a recount of the votes cast for such office, measure or proposal. The recount shall be conducted in accordance with the laws pertaining to contests of elections.

B. When the court orders a recount of votes which were cast and tabulated on electronic voting equipment, such recount shall be pursuant to section 16-664. On completion of the recount, and for legislative, statewide and federal candidate races only, the county chairmen of the political parties entitled to continued representation on the ballot or the chairman's designee shall select at random without the use of a computer five per cent of the precincts for the recounted race for a hand count, and if the results of that hand count when compared to the electronic tabulation of that same race are less than the designated margins calculated pursuant to section 16-602, the recount is complete and the electronic tabulation is the official result. If the hand count results in a difference that is equal to or greater than the designated margin for that race, the procedure established in section 16-602, subsections C, D, E and F applies.



Fiftieth Legislature - Second Regular Session

[Email a Member](#) | [Email Webmaster](#)
[change session](#) | [printer friendly version](#)
[Senate](#)[House](#)[Legislative Council](#)[JLBC](#)[More Agencies](#)[Bills](#)[Committees](#)[Calendars/News](#)
[ARS TITLE PAGE](#) [NEXT DOCUMENT](#) [PREVIOUS DOCUMENT](#)

16-665. Determination of results by court; distribution of copies of order of determination

A. The result of the recount shall be presented to the court, and the court shall then announce the result and make and enter an order setting forth its determination.

B. A certified copy of the order of the court determining the result shall forthwith be delivered by the clerk of the court to the following officers:

1. To the governor with respect to an initiative or referendum measure, or proposal to amend the Constitution of Arizona. The governor shall forthwith issue a proclamation reciting the total number of votes cast for or against the initiative or referendum measure, or amendment to the constitution, as certified by the court, and declaring such measure or amendment as approved by a majority voting thereon, as certified by the court, to be the law.

2. To the secretary of state with respect to offices to be filled by electors of the entire state, a congressional district, a legislative district or a subdivision of the state greater than a county. The secretary of state shall forthwith deliver to the candidate entitled thereto, as certified by the court, the certificate of election.

3. To the clerk of the board of supervisors with respect to offices to be filled by electors of the county or a subdivision of a county, or a precinct, or in the case of an office to be filled by the electors of a city or town, to the city or town clerk. The clerk of the board of supervisors or the city or town clerk shall forthwith deliver to the candidate entitled thereto, as certified by the court, the certificate of election.