



City of Prescott

City Council - Workshop Meeting

August 18, 2025 | 3:00 PM
201 N Montezuma Street
City Council Chambers, 1st Floor
Prescott, AZ 86301

AGENDA

The following Agenda will be considered by the **Prescott City Council** at its **Workshop Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of the meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending the meeting through the use of a technological device.

Viewing & Participation

This meeting may be viewed on Channel 64, Facebook Live or on the City's website: [City of Prescott Live Meeting Feed](#)

Public comments for Council may be submitted through the City website: [Public Comment Form](#)

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **COUNCIL ACTION RELATED TO 2025 CITY OF PRESCOTT PRIMARY ELECTION**
 - A. Approval of the Official Canvass of the City of Prescott Primary Election Held on August 5, 2025.
4. **ADJOURNMENT**

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));

- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6);
- (7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 8/15/25 at 10:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Sarah M. Thornhill

Sarah M. Thornhill, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: August 18 Special Council Meeting
DATE: August 18, 2025
DEPT: City Clerk
ITEM #: 3.A
SUBJECT: Approval of the Official Canvass of the City of Prescott Primary Election Held on August 5, 2025.

ITEM SUMMARY

This item is for the approval of the August 5, 2025 Primary Election canvass. Attached is the City of Prescott Canvass Packet which includes the "Unofficial Final Results" for the City of Prescott Primary Election held on August 5, 2025 as provided by the Yavapai County Elections Office. The County conducts City of Prescott elections, and following Council approval the provided results become final and official and the fees for the election will be paid to the County.

BACKGROUND

The City of Prescott held its vote-by-mail Primary Election on August 5, 2025. The ballot included the two-year term for Mayor, and three four-year term Council seats. Out of the 35,732 registered voters in the city, 17,706 total ballots were cast providing a 49.55% voter turnout.

Based on the Results of the Election:

Cathey Rusing received the majority of valid ballots cast for the two-year Mayor seat. None of the five Council candidates received the majority of valid ballots cast for the three four-year Council seats. Based on these results, there will be a run-off at the November 4, 2025 General Election for the three Council seats to determine who will be sworn in at the November 18, 2025 City Council Voting Meeting.

In addition to the Mayoral and Council seats, the Primary Election ballot included two Propositions Prop482 (Home Rule Option) and Prop484 (Open Space Protection).

Based on Results of the Election:

Proposition 482 Passed
Proposition 484 Passed

Also attached to this agenda packet is a memorandum from the City's outside elections counsel related to the majority calculation, charter provisions and results of the Primary Election.

FINANCIAL IMPACT

The total cost of the 2025 Primary Election was \$86,601.42. Funding is budgeted, previously approved and available in the City Clerk Budget.

RECOMMENDED ACTION

MOVE to approve the official canvass for the August 5, 2025 Primary Election

ATTACHMENTS

1. Primary Election Invoice
2. City of Prescott_Primary Canvass Packet 2025

3. Memo - Prescott Election Results



YAVAPAI COUNTY ELECTIONS DEPARTMENT

1015 Fair Street, Room 228
Prescott, AZ 86305
Phone: 928-771-3250
Fax: 928-771-3446
elections@yavapaiaz.gov

Yavapai County
Elections Department

INVOICE

JURISDICTION

City of Prescott
Attn: Sarah Thornhill
sarah.thornhill@prescott-az.gov

ELECTION DATE

August 5, 2025

INVOICE DATE

August 14, 2025

DESCRIPTION

Cost per Registered Voter: \$ 2.37

Total Registered Voters: 35,732

Amount Due: \$ 84,601.42

Fee reflects total charges from Yavapai County Voter Registration and Elections Departments.

Payment for all costs is due no later than 30 days following the date of the invoice. A late charge of 2% of the unpaid balance will be imposed for each 30-day period or portion thereof.

Please make checks payable to: **Yavapai County Elections**
Thank you.



Yavapai County Elections
1015 Fair St., Prescott AZ 86305
928-771-3248, ext. 8
www.yavapaivotes.gov

Laurin L. Custis
Director of Elections
Stephanie Quinn
Assistant Director of Elections

August 8, 2025

Sarah Thornhill
City of Prescott
201 N Montezuma St
Prescott, AZ 86301

Dear Mrs. Thornhill,

Enclosed please find documents and reports required for your canvass: The Certification of Election Results, Unofficial Final Election Summary Report, Unofficial Final Statement of Votes Cast, Early Ballot Reject Report, Official Final Election Summary Report, and Official Final Statement of Votes Cast. Please let my office know by e-mail once your canvass is complete.

Thank you and best regards,

A handwritten signature in blue ink that reads "Laurin L. Custis".

Laurin L. Custis
Director of Elections

Enclosure



Yavapai County Elections
1015 Fair St., Prescott AZ 86305
928-771-3248, ext. 8
www.yavapaivotes.gov

Laurin L. Custis
Director of Elections
Stephanie Quinn
Assistant Director of Elections

CERTIFICATION OF ELECTION RESULTS

For the

CITY OF PRESCOTT ELECTION

August 5, 2025

YAVAPAI COUNTY, ARIZONA

We, Michelle M. Burchill, Yavapai County Recorder, and Laurin L. Custis, Yavapai County Director of Elections, hereby certify that the attached foregoing vote results contains a full, true, and correct copy of the vote tabulations for the August 5, 2025, City of Prescott Election.

Dated this 8th day of August 2025

Michelle M. Burchill, County Recorder

Laurin L. Custis, Director of Elections

Registered Voters 35,732 - Total Ballots 17,706 : 49.55%

PRESCOTT MAYOR (2-YEAR TERM)

Vote For 1		
Total Votes	17,075	
MONTOYA, BRANDON	6,896	40.39%
RUSING, CATHEY	10,179	59.61%
Undervote	623	
Overvote	8	

PROPOSITION 484

Total Votes	17,272	
YES	14,484	83.86%
NO	2,788	16.14%
Undervote	434	
Overvote	0	

PRESCOTT COUNCIL MEMBER (4-YEAR TERM)

Vote For 3		
Total Votes	39,216	
EBARB II, HENRY	7,140	18.21%
FREDERICKSON, MARY	8,772	22.37%
GARING, JIM	8,770	22.36%
LAZZELL, GREGORY	6,858	17.49%
RUBY, JAY	7,676	19.57%
Undervote	13,821	
Overvote	81	

PROPOSITION 482

Total Votes	16,848	
YES	12,933	76.76%
NO	3,915	23.24%
Undervote	857	
Overvote	1	

Statement of Votes Cast
AUGUST 5, 2025
COUNTY OF YAVAPAI
STATE OF ARIZONA
Results
Unofficial Final Results

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	Turnout			PRESCOTT MAYOR (2-YEAR TERM)							
	Reg. Voters	Ballots Cast	% Turnout	Reg. Voters	Total Votes	MONTOYA, BRANDON		RUSING, CATHEY		Over votes	Under votes
Jurisdiction Wide											
GRANITE (301.00)											
Normal	5037	-	-	5037	0	0	-	0	-	0	0
Early Voting	5037	2629	52.19%	5037	2544	1001	39.35%	1543	60.65%	2	83
Provisional	5037	-	-	5037	0	0	-	0	-	0	0
EAGLE (302.00)											
Normal	3715	-	-	3715	0	0	-	0	-	0	0
Early Voting	3715	1903	51.22%	3715	1836	816	44.44%	1020	55.56%	1	66
Provisional	3715	-	-	3715	0	0	-	0	-	0	0
COURT (303.00)											
Normal	5679	-	-	5679	0	0	-	0	-	0	0
Early Voting	5679	2364	41.63%	5679	2273	954	41.97%	1319	58.03%	0	91
Provisional	5679	-	-	5679	0	0	-	0	-	0	0
GOLF (304.00)											
Normal	5701	-	-	5701	0	0	-	0	-	0	0
Early Voting	5701	2890	50.69%	5701	2809	1217	43.33%	1592	56.67%	0	81
Provisional	5701	-	-	5701	0	0	-	0	-	0	0
FAIR (305.00)											
Normal	3427	-	-	3427	0	0	-	0	-	0	0
Early Voting	3427	1588	46.34%	3427	1520	644	42.37%	876	57.63%	0	68
Provisional	3427	-	-	3427	0	0	-	0	-	0	0
WILLOW (306.00)											
Normal	4165	-	-	4165	0	0	-	0	-	0	0
Early Voting	4165	2175	52.22%	4165	2094	876	41.83%	1218	58.17%	0	81
Provisional	4165	-	-	4165	0	0	-	0	-	0	0
WATSON (307.00)											
Normal	3734	-	-	3734	0	0	-	0	-	0	0
Early Voting	3734	1769	47.38%	3734	1707	624	36.56%	1083	63.44%	3	59
Provisional	3734	-	-	3734	0	0	-	0	-	0	0
WATER (343.00)											
Normal	3922	-	-	3922	0	0	-	0	-	0	0
Early Voting	3922	2219	56.58%	3922	2134	695	32.57%	1439	67.43%	2	83
Provisional	3922	-	-	3922	0	0	-	0	-	0	0
COUGARS (352.00)											
Normal	352	-	-	352	0	0	-	0	-	0	0
Early Voting	352	169	48.01%	352	158	69	43.67%	89	56.33%	0	11
Provisional	352	-	-	352	0	0	-	0	-	0	0
Total											
Normal	35732	-	-	35732	0	0	-	0	-	0	0
Early Voting	35732	17706	49.55%	35732	17075	6896	40.39%	10179	59.61%	8	623
Provisional	35732	-	-	35732	0	0	-	0	-	0	0
Total	35732	17706	49.55%	35732	17075	6896	40.39%	10179	59.61%	8	623

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	Turnout			PRESCOTT COUNCIL MEMBER (4-YEAR TERM)												
	Reg. Voters	Ballots Cast	% Turnout	Reg. Voters	Total Votes	EBARB II, HENRY	FREDERICKSON, MARY	GARING, JIM	LAZZELL, GREGORY	RUBY, JAY	Over votes	Under votes				
Jurisdiction Wide																
GRANITE (301.00)																
Normal	5037	-	-	5037	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	5037	2629	52.19%	5037	5799	1088	18.76%	1311	22.61%	1352	23.31%	1010	17.42%	1038	17.90%	18
Provisional	5037	-	-	5037	0	0	-	0	-	0	-	0	-	0	-	0
EAGLE (302.00)																
Normal	3715	-	-	3715	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	3715	1903	51.22%	3715	4272	779	18.24%	949	22.21%	929	21.75%	774	18.12%	841	19.69%	9
Provisional	3715	-	-	3715	0	0	-	0	-	0	-	0	-	0	-	0
COURT (303.00)																
Normal	5679	-	-	5679	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	5679	2364	41.63%	5679	5050	852	16.87%	1128	22.34%	1100	21.78%	816	16.16%	1154	22.85%	12
Provisional	5679	-	-	5679	0	0	-	0	-	0	-	0	-	0	-	0
GOLF (304.00)																
Normal	5701	-	-	5701	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	5701	2890	50.69%	5701	6251	1139	18.22%	1343	21.48%	1329	21.26%	1054	16.86%	1386	22.17%	12
Provisional	5701	-	-	5701	0	0	-	0	-	0	-	0	-	0	-	0
FAIR (305.00)																
Normal	3427	-	-	3427	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	3427	1588	46.34%	3427	3411	598	17.53%	795	23.31%	695	20.38%	570	16.71%	753	22.08%	6
Provisional	3427	-	-	3427	0	0	-	0	-	0	-	0	-	0	-	0
WILLOW (306.00)																
Normal	4165	-	-	4165	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	4165	2175	52.22%	4165	4917	1021	20.76%	1046	21.27%	1036	21.07%	928	18.87%	886	18.02%	15
Provisional	4165	-	-	4165	0	0	-	0	-	0	-	0	-	0	-	0
WATSON (307.00)																
Normal	3734	-	-	3734	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	3734	1769	47.38%	3734	3960	662	16.72%	918	23.18%	957	24.17%	695	17.55%	728	18.38%	6
Provisional	3734	-	-	3734	0	0	-	0	-	0	-	0	-	0	-	0
WATER (343.00)																
Normal	3922	-	-	3922	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	3922	2219	56.58%	3922	5173	918	17.75%	1198	23.16%	1278	24.71%	935	18.07%	844	16.32%	3
Provisional	3922	-	-	3922	0	0	-	0	-	0	-	0	-	0	-	0
COUGARS (352.00)																
Normal	352	-	-	352	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	352	169	48.01%	352	383	83	21.67%	84	21.93%	94	24.54%	76	19.84%	46	12.01%	0
Provisional	352	-	-	352	0	0	-	0	-	0	-	0	-	0	-	0
Total																
Normal	35732	-	-	35732	0	0	-	0	-	0	-	0	-	0	-	0
Early Voting	35732	17706	49.55%	35732	39216	7140	18.21%	8772	22.37%	8770	22.36%	6858	17.49%	7676	19.57%	81
Provisional	35732	-	-	35732	0	0	-	0	-	0	-	0	-	0	-	0
Total	35732	17706	49.55%	35732	39216	7140	18.21%	8772	22.37%	8770	22.36%	6858	17.49%	7676	19.57%	81

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	Turnout			PROPOSITION 482							
	Reg. Voters	Ballots Cast	% Turnout	Reg. Voters	Total Votes	YES		NO		Over votes	Under votes
Jurisdiction Wide											
GRANITE (301.00)											
Normal	5037	-	-	5037	0	0	-	0	-	0	0
Early Voting	5037	2629	52.19%	5037	2515	1887	75.03%	628	24.97%	0	114
Provisional	5037	-	-	5037	0	0	-	0	-	0	0
EAGLE (302.00)											
Normal	3715	-	-	3715	0	0	-	0	-	0	0
Early Voting	3715	1903	51.22%	3715	1815	1426	78.57%	389	21.43%	0	88
Provisional	3715	-	-	3715	0	0	-	0	-	0	0
COURT (303.00)											
Normal	5679	-	-	5679	0	0	-	0	-	0	0
Early Voting	5679	2364	41.63%	5679	2231	1732	77.63%	499	22.37%	0	133
Provisional	5679	-	-	5679	0	0	-	0	-	0	0
GOLF (304.00)											
Normal	5701	-	-	5701	0	0	-	0	-	0	0
Early Voting	5701	2890	50.69%	5701	2725	2072	76.04%	653	23.96%	0	165
Provisional	5701	-	-	5701	0	0	-	0	-	0	0
FAIR (305.00)											
Normal	3427	-	-	3427	0	0	-	0	-	0	0
Early Voting	3427	1588	46.34%	3427	1493	1144	76.62%	349	23.38%	1	94
Provisional	3427	-	-	3427	0	0	-	0	-	0	0
WILLOW (306.00)											
Normal	4165	-	-	4165	0	0	-	0	-	0	0
Early Voting	4165	2175	52.22%	4165	2091	1605	76.76%	486	23.24%	0	84
Provisional	4165	-	-	4165	0	0	-	0	-	0	0
WATSON (307.00)											
Normal	3734	-	-	3734	0	0	-	0	-	0	0
Early Voting	3734	1769	47.38%	3734	1677	1268	75.61%	409	24.39%	0	92
Provisional	3734	-	-	3734	0	0	-	0	-	0	0
WATER (343.00)											
Normal	3922	-	-	3922	0	0	-	0	-	0	0
Early Voting	3922	2219	56.58%	3922	2139	1671	78.12%	468	21.88%	0	80
Provisional	3922	-	-	3922	0	0	-	0	-	0	0
COUGARS (352.00)											
Normal	352	-	-	352	0	0	-	0	-	0	0
Early Voting	352	169	48.01%	352	162	128	79.01%	34	20.99%	0	7
Provisional	352	-	-	352	0	0	-	0	-	0	0
Total											
Normal	35732	-	-	35732	0	0	-	0	-	0	0
Early Voting	35732	17706	49.55%	35732	16848	12933	76.76%	3915	23.24%	1	857
Provisional	35732	-	-	35732	0	0	-	0	-	0	0
Total	35732	17706	49.55%	35732	16848	12933	76.76%	3915	23.24%	1	857

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	Turnout			PROPOSITION 484							
	Reg. Voters	Ballots Cast	% Turnout	Reg. Voters	Total Votes	YES		NO		Over votes	Under votes
Jurisdiction Wide											
GRANITE (301.00)											
Normal	5037	-	-	5037	0	0	-	0	-	0	0
Early Voting	5037	2629	52.19%	5037	2563	2124	82.87%	439	17.13%	0	66
Provisional	5037	-	-	5037	0	0	-	0	-	0	0
EAGLE (302.00)											
Normal	3715	-	-	3715	0	0	-	0	-	0	0
Early Voting	3715	1903	51.22%	3715	1849	1552	83.94%	297	16.06%	0	54
Provisional	3715	-	-	3715	0	0	-	0	-	0	0
COURT (303.00)											
Normal	5679	-	-	5679	0	0	-	0	-	0	0
Early Voting	5679	2364	41.63%	5679	2294	1969	85.83%	325	14.17%	0	70
Provisional	5679	-	-	5679	0	0	-	0	-	0	0
GOLF (304.00)											
Normal	5701	-	-	5701	0	0	-	0	-	0	0
Early Voting	5701	2890	50.69%	5701	2821	2336	82.81%	485	17.19%	0	69
Provisional	5701	-	-	5701	0	0	-	0	-	0	0
FAIR (305.00)											
Normal	3427	-	-	3427	0	0	-	0	-	0	0
Early Voting	3427	1588	46.34%	3427	1548	1326	85.66%	222	14.34%	0	40
Provisional	3427	-	-	3427	0	0	-	0	-	0	0
WILLOW (306.00)											
Normal	4165	-	-	4165	0	0	-	0	-	0	0
Early Voting	4165	2175	52.22%	4165	2135	1748	81.87%	387	18.13%	0	40
Provisional	4165	-	-	4165	0	0	-	0	-	0	0
WATSON (307.00)											
Normal	3734	-	-	3734	0	0	-	0	-	0	0
Early Voting	3734	1769	47.38%	3734	1711	1455	85.04%	256	14.96%	0	58
Provisional	3734	-	-	3734	0	0	-	0	-	0	0
WATER (343.00)											
Normal	3922	-	-	3922	0	0	-	0	-	0	0
Early Voting	3922	2219	56.58%	3922	2186	1850	84.63%	336	15.37%	0	33
Provisional	3922	-	-	3922	0	0	-	0	-	0	0
COUGARS (352.00)											
Normal	352	-	-	352	0	0	-	0	-	0	0
Early Voting	352	169	48.01%	352	165	124	75.15%	41	24.85%	0	4
Provisional	352	-	-	352	0	0	-	0	-	0	0
Total											
Normal	35732	-	-	35732	0	0	-	0	-	0	0
Early Voting	35732	17706	49.55%	35732	17272	14484	83.86%	2788	16.14%	0	434
Provisional	35732	-	-	35732	0	0	-	0	-	0	0
Total	35732	17706	49.55%	35732	17272	14484	83.86%	2788	16.14%	0	434

YAVAPAI COUNTY ELECTIONS DEPARTMENT

AUGUST 5, 2025 - CITY OF PRESCOTT ELECTION

EARLY BALLOT REJECT REPORT

PRECINCT SPLITS	Number of Early Ballots rejected						
			unconfirmed Voter Assist	Missing Signature/ Not Signed By Voter	Received Late	Signature Different	Switch Signatures
							Total Early Ballots Rejected
GRANITE (301.01)	19		3	8	3	5	19
EAGLE (302.01)	16	1	2	6	5	2	16
COURT (303.01/05)	17		0	5	5	7	17
GOLF (304.01/05)	21		2	9	6	4	21
FAIR (305.02)	7		1	2	1	3	7
WILLOW (306.02)	9	1	0	7	1	0	9
WATSON (307.02)	9		2	1	0	6	9
WATER (343.02)	18		1	6	3	8	18
COUGARS (352.06)	2		0	0	0	2	2
	118	2	11	44	24	37	118

Registered Voters 35,732 - Total Ballots 17,706 : 49.55%

PRESCOTT MAYOR (2-YEAR TERM)			
Vote For 1			
Total Votes	17,075		
MONTOYA, BRANDON	6,896	40.39%	
RUSING, CATHEY	10,179	59.61%	
Undervote	623		
Overvote	8		

PROPOSITION 484			
Total Votes			
	17,272		
YES	14,484	83.86%	
NO	2,788	16.14%	
Undervote	434		
Overvote	0		

PRESCOTT COUNCIL MEMBER (4-YEAR TERM)			
Vote For 3			
Total Votes	39,216		
EBARB II, HENRY	7,140	18.21%	
FREDERICKSON, MARY	8,772	22.37%	
GARING, JIM	8,770	22.36%	
LAZZELL, GREGORY	6,858	17.49%	
RUBY, JAY	7,676	19.57%	
Undervote	13,821		
Overvote	81		

PROPOSITION 482			
Total Votes			
	16,848		
YES	12,933	76.76%	
NO	3,915	23.24%	
Undervote	857		
Overvote	1		

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	Turnout			PRESCOTT MAYOR (2-YEAR TERM)							
	Reg. Voters	Ballots Cast	% Turnout	Reg. Voters	Total Votes	MONTROYA, BRANDON		RUSING, CATHEY		Over votes	Under votes
Jurisdiction Wide											
GRANITE (301.00)											
Normal	5037	-	-	5037	0	0	-	0	-	0	0
Early Voting	5037	2629	52.19%	5037	2544	1001	39.35%	1543	60.65%	2	83
Provisional	5037	-	-	5037	0	0	-	0	-	0	0
EAGLE (302.00)											
Normal	3715	-	-	3715	0	0	-	0	-	0	0
Early Voting	3715	1903	51.22%	3715	1836	816	44.44%	1020	55.56%	1	66
Provisional	3715	-	-	3715	0	0	-	0	-	0	0
COURT (303.00)											
Normal	5679	-	-	5679	0	0	-	0	-	0	0
Early Voting	5679	2364	41.63%	5679	2273	954	41.97%	1319	58.03%	0	91
Provisional	5679	-	-	5679	0	0	-	0	-	0	0
GOLF (304.00)											
Normal	5701	-	-	5701	0	0	-	0	-	0	0
Early Voting	5701	2890	50.69%	5701	2809	1217	43.33%	1592	56.67%	0	81
Provisional	5701	-	-	5701	0	0	-	0	-	0	0
FAIR (305.00)											
Normal	3427	-	-	3427	0	0	-	0	-	0	0
Early Voting	3427	1588	46.34%	3427	1520	644	42.37%	876	57.63%	0	68
Provisional	3427	-	-	3427	0	0	-	0	-	0	0
WILLOW (306.00)											
Normal	4165	-	-	4165	0	0	-	0	-	0	0
Early Voting	4165	2175	52.22%	4165	2094	876	41.83%	1218	58.17%	0	81
Provisional	4165	-	-	4165	0	0	-	0	-	0	0
WATSON (307.00)											
Normal	3734	-	-	3734	0	0	-	0	-	0	0
Early Voting	3734	1769	47.38%	3734	1707	624	36.56%	1083	63.44%	3	59
Provisional	3734	-	-	3734	0	0	-	0	-	0	0
WATER (343.00)											
Normal	3922	-	-	3922	0	0	-	0	-	0	0
Early Voting	3922	2219	56.58%	3922	2134	695	32.57%	1439	67.43%	2	83
Provisional	3922	-	-	3922	0	0	-	0	-	0	0
COUGARS (352.00)											
Normal	352	-	-	352	0	0	-	0	-	0	0
Early Voting	352	169	48.01%	352	158	69	43.67%	89	56.33%	0	11
Provisional	352	-	-	352	0	0	-	0	-	0	0
Total											
Normal	35732	-	-	35732	0	0	-	0	-	0	0
Early Voting	35732	17706	49.55%	35732	17075	6896	40.39%	10179	59.61%	8	623
Provisional	35732	-	-	35732	0	0	-	0	-	0	0
Total	35732	17706	49.55%	35732	17075	6896	40.39%	10179	59.61%	8	623

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	Turnout			PRESCOTT COUNCIL MEMBER (4-YEAR TERM)													
	Reg. Voters	Ballots Cast	% Turnout	Reg. Voters	Total Votes	EBARB II, HENRY		FREDERICKSON, MARY		GARING, JIM		LAZZELL, GREGORY		RUBY, JAY		Over votes	Under votes
Jurisdiction Wide																	
GRANITE (301.00)																	
Normal	5037	-	-	5037	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	5037	2629	52.19%	5037	5799	1088	18.76%	1311	22.61%	1352	23.31%	1010	17.42%	1038	17.90%	18	2070
Provisional	5037	-	-	5037	0	0	-	0	-	0	-	0	-	0	-	0	0
EAGLE (302.00)																	
Normal	3715	-	-	3715	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	3715	1903	51.22%	3715	4272	779	18.24%	949	22.21%	929	21.75%	774	18.12%	841	19.69%	9	1428
Provisional	3715	-	-	3715	0	0	-	0	-	0	-	0	-	0	-	0	0
COURT (303.00)																	
Normal	5679	-	-	5679	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	5679	2364	41.63%	5679	5050	852	16.87%	1128	22.34%	1100	21.78%	816	16.16%	1154	22.85%	12	2030
Provisional	5679	-	-	5679	0	0	-	0	-	0	-	0	-	0	-	0	0
GOLF (304.00)																	
Normal	5701	-	-	5701	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	5701	2890	50.69%	5701	6251	1139	18.22%	1343	21.48%	1329	21.26%	1054	16.86%	1386	22.17%	12	2407
Provisional	5701	-	-	5701	0	0	-	0	-	0	-	0	-	0	-	0	0
FAIR (305.00)																	
Normal	3427	-	-	3427	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	3427	1588	46.34%	3427	3411	598	17.53%	795	23.31%	695	20.38%	570	16.71%	753	22.08%	6	1347
Provisional	3427	-	-	3427	0	0	-	0	-	0	-	0	-	0	-	0	0
WILLOW (306.00)																	
Normal	4165	-	-	4165	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	4165	2175	52.22%	4165	4917	1021	20.76%	1046	21.27%	1036	21.07%	928	18.87%	886	18.02%	15	1593
Provisional	4165	-	-	4165	0	0	-	0	-	0	-	0	-	0	-	0	0
WATSON (307.00)																	
Normal	3734	-	-	3734	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	3734	1769	47.38%	3734	3960	662	16.72%	918	23.18%	957	24.17%	695	17.55%	728	18.38%	6	1341
Provisional	3734	-	-	3734	0	0	-	0	-	0	-	0	-	0	-	0	0
WATER (343.00)																	
Normal	3922	-	-	3922	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	3922	2219	56.58%	3922	5173	918	17.75%	1198	23.16%	1278	24.71%	935	18.07%	844	16.32%	3	1481
Provisional	3922	-	-	3922	0	0	-	0	-	0	-	0	-	0	-	0	0
COUGARS (352.00)																	
Normal	352	-	-	352	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	352	169	48.01%	352	383	83	21.67%	84	21.93%	94	24.54%	76	19.84%	46	12.01%	0	124
Provisional	352	-	-	352	0	0	-	0	-	0	-	0	-	0	-	0	0
Total																	
Normal	35732	-	-	35732	0	0	-	0	-	0	-	0	-	0	-	0	0
Early Voting	35732	17706	49.55%	35732	39216	7140	18.21%	8772	22.37%	8770	22.36%	6858	17.49%	7676	19.57%	81	13821
Provisional	35732	-	-	35732	0	0	-	0	-	0	-	0	-	0	-	0	0
Total	35732	17706	49.55%	35732	39216	7140	18.21%	8772	22.37%	8770	22.36%	6858	17.49%	7676	19.57%	81	13821

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	Turnout			PROPOSITION 482							
	Reg. Voters	Ballots Cast	% Turnout	Reg. Voters	Total Votes	YES		NO		Over votes	Under votes
Jurisdiction Wide											
GRANITE (301.00)											
Normal	5037	-	-	5037	0	0	-	0	-	0	0
Early Voting	5037	2629	52.19%	5037	2515	1887	75.03%	628	24.97%	0	114
Provisional	5037	-	-	5037	0	0	-	0	-	0	0
EAGLE (302.00)											
Normal	3715	-	-	3715	0	0	-	0	-	0	0
Early Voting	3715	1903	51.22%	3715	1815	1426	78.57%	389	21.43%	0	88
Provisional	3715	-	-	3715	0	0	-	0	-	0	0
COURT (303.00)											
Normal	5679	-	-	5679	0	0	-	0	-	0	0
Early Voting	5679	2364	41.63%	5679	2231	1732	77.63%	499	22.37%	0	133
Provisional	5679	-	-	5679	0	0	-	0	-	0	0
GOLF (304.00)											
Normal	5701	-	-	5701	0	0	-	0	-	0	0
Early Voting	5701	2890	50.69%	5701	2725	2072	76.04%	653	23.96%	0	165
Provisional	5701	-	-	5701	0	0	-	0	-	0	0
FAIR (305.00)											
Normal	3427	-	-	3427	0	0	-	0	-	0	0
Early Voting	3427	1588	46.34%	3427	1493	1144	76.62%	349	23.38%	1	94
Provisional	3427	-	-	3427	0	0	-	0	-	0	0
WILLOW (306.00)											
Normal	4165	-	-	4165	0	0	-	0	-	0	0
Early Voting	4165	2175	52.22%	4165	2091	1605	76.76%	486	23.24%	0	84
Provisional	4165	-	-	4165	0	0	-	0	-	0	0
WATSON (307.00)											
Normal	3734	-	-	3734	0	0	-	0	-	0	0
Early Voting	3734	1769	47.38%	3734	1677	1268	75.61%	409	24.39%	0	92
Provisional	3734	-	-	3734	0	0	-	0	-	0	0
WATER (343.00)											
Normal	3922	-	-	3922	0	0	-	0	-	0	0
Early Voting	3922	2219	56.58%	3922	2139	1671	78.12%	468	21.88%	0	80
Provisional	3922	-	-	3922	0	0	-	0	-	0	0
COUGARS (352.00)											
Normal	352	-	-	352	0	0	-	0	-	0	0
Early Voting	352	169	48.01%	352	162	128	79.01%	34	20.99%	0	7
Provisional	352	-	-	352	0	0	-	0	-	0	0
Total											
Normal	35732	-	-	35732	0	0	-	0	-	0	0
Early Voting	35732	17706	49.55%	35732	16848	12933	76.76%	3915	23.24%	1	857
Provisional	35732	-	-	35732	0	0	-	0	-	0	0
Total	35732	17706	49.55%	35732	16848	12933	76.76%	3915	23.24%	1	857

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	Turnout			PROPOSITION 484							
	Reg. Voters	Ballots Cast	% Turnout	Reg. Voters	Total Votes	YES		NO		Over votes	Under votes
Jurisdiction Wide											
GRANITE (301.00)											
Normal	5037	-	-	5037	0	0	-	0	-	0	0
Early Voting	5037	2629	52.19%	5037	2563	2124	82.87%	439	17.13%	0	66
Provisional	5037	-	-	5037	0	0	-	0	-	0	0
EAGLE (302.00)											
Normal	3715	-	-	3715	0	0	-	0	-	0	0
Early Voting	3715	1903	51.22%	3715	1849	1552	83.94%	297	16.06%	0	54
Provisional	3715	-	-	3715	0	0	-	0	-	0	0
COURT (303.00)											
Normal	5679	-	-	5679	0	0	-	0	-	0	0
Early Voting	5679	2364	41.63%	5679	2294	1969	85.83%	325	14.17%	0	70
Provisional	5679	-	-	5679	0	0	-	0	-	0	0
GOLF (304.00)											
Normal	5701	-	-	5701	0	0	-	0	-	0	0
Early Voting	5701	2890	50.69%	5701	2821	2336	82.81%	485	17.19%	0	69
Provisional	5701	-	-	5701	0	0	-	0	-	0	0
FAIR (305.00)											
Normal	3427	-	-	3427	0	0	-	0	-	0	0
Early Voting	3427	1588	46.34%	3427	1548	1326	85.66%	222	14.34%	0	40
Provisional	3427	-	-	3427	0	0	-	0	-	0	0
WILLOW (306.00)											
Normal	4165	-	-	4165	0	0	-	0	-	0	0
Early Voting	4165	2175	52.22%	4165	2135	1748	81.87%	387	18.13%	0	40
Provisional	4165	-	-	4165	0	0	-	0	-	0	0
WATSON (307.00)											
Normal	3734	-	-	3734	0	0	-	0	-	0	0
Early Voting	3734	1769	47.38%	3734	1711	1455	85.04%	256	14.96%	0	58
Provisional	3734	-	-	3734	0	0	-	0	-	0	0
WATER (343.00)											
Normal	3922	-	-	3922	0	0	-	0	-	0	0
Early Voting	3922	2219	56.58%	3922	2186	1850	84.63%	336	15.37%	0	33
Provisional	3922	-	-	3922	0	0	-	0	-	0	0
COUGARS (352.00)											
Normal	352	-	-	352	0	0	-	0	-	0	0
Early Voting	352	169	48.01%	352	165	124	75.15%	41	24.85%	0	4
Provisional	352	-	-	352	0	0	-	0	-	0	0
Total											
Normal	35732	-	-	35732	0	0	-	0	-	0	0
Early Voting	35732	17706	49.55%	35732	17272	14484	83.86%	2788	16.14%	0	434
Provisional	35732	-	-	35732	0	0	-	0	-	0	0
Total	35732	17706	49.55%	35732	17272	14484	83.86%	2788	16.14%	0	434



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MEMORANDUM

To: Sarah Thornhill, Prescott City Clerk

Cc: Joseph Young, Prescott City Attorney

From: Christina Estes-Werther and Matt Schiumo, Outside Counsel

Date: August 14, 2025

Subject: City Charter Determination of Candidate Election Results

The purpose of this (non-privileged) memorandum is to provide an analysis of questions raised about the City's calculation to determine whether the candidates who ran for council office are declared elected at the primary election or must proceed to the runoff election.

BACKGROUND

August 5, 2025 Election Results

On August 5, 2025, the City of Prescott (the "City") held its regular candidate elections. Voters could select up to three candidates for City council. The ballot also contained a mayoral contest and two citywide propositions. The City has received the final unofficial results from Yavapai County and is in the process of scheduling its canvass to meet the statutory deadline of August 25, 2025. Pursuant to the final unofficial county results for City council, Mary Frederickson received 8,771 votes; Jim Garing received 8,765 votes; Jay Ruby received 7,670 votes; Henry Ebarb II received 7,135 votes, and Gregory Lazzell received 6,856 votes.

Prescott City Charter ("Charter") Provisions and Calculation

The City relies on its Charter to determine if a candidate is declared the winner at the primary election or if the candidate must proceed to the runoff election to be held on November 4, 2025. Specifically, Article IX, Section 6 of the Charter contains the provision for how candidate election results are determined for the primary election:

Section 6 - Majority to elect in primary.

At the primary election any candidate who shall receive ***a majority of all the valid ballots cast*** at such election for that office shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said candidate. (Amended September 20, 1983; November 2, 2010) (emphasis added).

This majority is determined by taking the total number of ballots cast¹ (17,696) at the primary election, subtracting the overvotes² (81), dividing the result by two, adding one, and rounding to the nearest whole number. In this case, pursuant to the Charter, the requisite majority to seat a council member following the primary is 8,809.

Based on the City's calculations, no candidates received a majority to be declared the winner at the primary election and all five candidates who ran in the primary election will proceed to the runoff.³

Candidate Demand Letter re Election Results

On August 10, 2025, the City received a letter from Steven M. Jackson representing candidate Jay Ruby. Mr. Jackson argues that Mr. Ruby, Mary Frederickson, and Jim Garing have received a majority votes cast based on the formula set forth in A.R.S. § 9-821.01⁴ and should be declared the winners of the open council seats with no runoff required. Mr. Jackson "demands a declaration" of his findings by 5:00 p.m. on August 15, 2025 or if the City takes a different position, to provide the City's position and legal justification.

ANALYSIS

The City sought a legal opinion from this office to determine if the City is properly complying with its Charter to calculate the requisite majority. This analysis addresses why the Charter applies in this situation and addresses important practical and legal considerations such as the utilization of ballots cast at the entire election rather than votes cast within the specific council contest.

¹ "Ballots cast" is different from "votes cast." Ballots cast refers to the total number of individual ballots submitted by voters in an election. Votes cast, on the other hand, refers to the total number of votes recorded for a specific candidate or ballot measure within that election.

² Overvotes are subtracted since voter intent cannot be determined when a voter selects more candidates than what is authorized by law. *See also Arizona Pub. Integrity All. v. Fontes*, 250 Ariz. 58, 63 (2020) ("Under Arizona law, an overvote is invalid and is not counted. A.R.S. § 16-610, -611; 2019 EPM at 56.").

³ Prescott City Charter, Article IX, Sections 6 and 7.

⁴ Under the calculation set forth in A.R.S. § 9-821.01(F), the requisite majority is $6,533 (39,197/3) = 13,065.66/2 = 6,533$ (rounded)).

The City Charter Controls Over State Law

Article IX, Section 6 of the City Charter dictates how the City calculates the majority threshold for candidates at the primary election. This calculation is a “method or manner” of conducting elections within the City and is a matter of local interest, resulting in the Charter provision superseding the state statute. The case, *City of Tucson v. State*, 229 Ariz. 172 (2012), is instructive. In *Tucson*, the Court addressed whether A.R.S. § 9-821.01 (the same statute at issue here) governing city elections applied to the City of Tucson notwithstanding a conflicting charter provision. Tucson’s charter required that council members be nominated in ward-based primary elections and elected in at-large general elections. *Id.* at 173 ¶ 2. Tucson’s elections are partisan: the primary selects nominees for particular political parties and the general election ballot identifies candidates by party affiliation. *Id.* In contrast, A.R.S. § 9-821.01(B) prohibits partisan elections for cities and towns. The Court set out to determine which should apply: the charter provision or state statute.

The Court reaffirmed that “a home rule city deriving its powers from the Constitution is independent of the state Legislature as to all subjects of strictly local municipal concern.” *Id.* at ¶ 9 (citing *City of Tucson v. Tucson Sunshine Climate Club*, 64 Ariz. 1, 8-9 (1945)). It further explained that the “method and manner of conducting elections in a city is peculiarly the subject of local interest and is not a matter of statewide concern” *Id.* at ¶ 22 (citing *Strode v. Sullivan*, 72 Ariz. 360, 368 (1951)). Applying this principle, the Court held that the charter provision controlled because the method of electing a city council was a matter of “strictly local municipal concern.”

Here, the conflict involves how the City determines the requisite majority a candidate must obtain to be elected at a primary without the need of a runoff. As stated above, Article IX, Section 6 of the Prescott City Charter requires that a candidate receive “a majority of all the valid **ballots cast** at such election for that office” in order to avoid a runoff election. State law prescribes a different formula based on **votes cast**, leading to a different result.

Much like *Tucson*, the City Charter’s calculation determines the “method and manner of conducting an election,” which falls squarely within the category of strictly local municipal concern. Because the manner of determining a candidate’s majority directly affects how local elections are conducted and the method for making that determination is prescribed in the Charter, it is precisely the type of issue that the courts have recognized as being under the exclusive control of a charter city independent of the Legislature. A charter provision that governs how a local official is elected avoids the “...doubtful or twilight zone separating those matters that are clearly of municipal concern from those that are not.” *State ex rel. Brnovich v. City of Tucson*, 242 Ariz. 588, 600 ¶ 46 (2017) (citing *Clayton v. State*, 38 Ariz. 135, 148 (1931)). Consequently, the Charter is likely to govern over any conflicting state statute, ensuring that the local rules set forth by the City for conducting elections are upheld and enforced.

It is important to note that in a separate Tucson matter, the Court acknowledged that not all election provisions are of a purely local interest if there is a statewide concern. *See, e.g., Tucson*, 191 Ariz. at 439 (finding that legislation limiting elections to four consolidated dates to

increase voter turnout and reduce costs were of statewide concern). The Court noted that “election dates, other administrative aspects of elections, and the various examples listed in § 9-821.01 all involve matters qualitatively different from determining how a city will constitute its governing council.” 229 Ariz. 172 at ¶ 35. In that 1997 case, the Court acknowledged the legislative findings that were made over a two-year pilot program that demonstrated a statewide interest by showing “significantly increased voter turnout and reduced election costs” by establishing consolidated election dates. 191 Ariz. 436, 439 (App. 1997).

Here, calculating the majority threshold for a candidate to be declared elected is not an “administrative” aspect of the election. The current formula in Article IX, Section 6 was approved by the qualified voters of the City of Prescott and has been consistently applied to elect officials in the City at every primary election since 2010. No case law or legal support has been provided to justify why the City should deviate from its voter-approved and Governor-approved⁵ Charter and rely on a general law statute to declare certain candidates winners of the City’s primary election.

Additionally, Mr. Jackson’s argument that the Charter is silent and therefore state law applies, is contradicted by the plain language of the Charter. Article IX, Section 6 specifies that the majority threshold is calculated using “valid ballots cast.” The charter is not silent on this matter. And the City is not required to amend its Charter to match state law when the matter involves a purely local interest since it would negate the purpose of adopting “a local constitution” that since statehood requires the charter to “prevail” over any conflicting law.⁶ *State ex rel. Brnovich v. City of Tucson*, 242 Ariz. 588, 598, ¶ 39-40 (2017), *as amended* (Aug. 17, 2017). Nothing can be more “local” than the formula used to elect the City’s representatives and form its own government. There is no statewide concern at issue that would lead to the statute superseding the Charter.

Further, as Mr. Jackson noted, Article IX, Section 2 stipulates that state law applies “except as otherwise provided in this charter.” If the Charter lacked any provision to calculate the majority threshold, state law would instruct the City in this matter; however, the Charter expressly provides a calculation, which is controlling over A.R.S. § 9-821.01 because it establishes the method and manner of electing the governing officers of the City.

⁵ Every charter provision must be approved by the Governor if the charter provision is not in conflict with the Constitution or state laws. Ariz. Const., art. XIII, Section 2.

⁶ Additionally, A.R.S. § 9-821.01(D) is arguably a permissive statute – providing further support it should not be applied in this instance. Subsection D provides that a city or town “... may by ordinance provide at the primary election any candidate for the office of mayor or city council who receives a majority of all votes cast at that election...”

Utilizing “ballots cast” rather than “votes cast.”

The City also inquired whether utilizing a majority of the ballots cast, and not votes cast is legally permissible. First, it is important to distinguish between “votes cast” and “ballots cast.” A “ballot” means a paper ballot on which votes are recorded. A.R.S. § 16-444(A)(1). A “ballot cast”⁷ refers to the submission of a ballot for an election. Each voter is allowed to cast only one ballot per election. A.R.S. § 16-1016(2). A ballot typically contains several different races or measures. Every contest a voter participates in counts as a separate “vote cast.” Thus, a single ballot can contain multiple “votes cast.” For example, a voter at the City’s August 5, 2025 ballot may have cast up to 6 votes (1 vote for mayor, 3 votes for council and 2 yes/no votes for measures) but only cast 1 ballot. By relying on the statute’s “votes cast,” formula, the number used to compute “qualified electors” may be more than the number of actual persons voting in any qualifying election.

Although “ballots cast” in this context may also exceed the number of voters who participated in this specific contest (*e.g.*, a voter may cast a vote for mayor but not for council, yet still count as one “ballot cast”), there is not a significant difference to make “ballots cast” an unreasonable basis for calculation. Either method – state law or the charter provision – may not provide one hundred percent accuracy and it is therefore unlikely that use of “ballots cast” rather than “votes cast” justifies overturning the will of City voters who approved the formula outlined in Article IX, Section 6 of the Charter. If a court agrees that the Charter governs over the state statute to determine the result of the primary election, there are minimal concerns about using a “ballots cast” measure over a “votes cast” measure to determine the basis of the majority number.

While there is an argument that the correct measure should be the “ballots cast” in the *specific council election*, it is defensible for the City to use the total ballots cast in the entire election, particularly because it is our understanding that the County does not track ballots by individual contest. Recovering, extrapolating, or computing this figure would likely be logistically impossible especially now, *after* the election is held, and it is questionable whether this is practically feasible for the County in any election scenario. Additionally, the City would likely incur additional costs for election programming required for this level of specificity since it may not be required under state law. Based on our understanding of the County’s capabilities, extraordinary measures would be required to derive a count of valid ballots cast that exclude the mayoral office, and this action is unnecessary when there is a reasonable calculation to determine the majority threshold and a second election in less than three months that will ultimately determine those who will serve in the council offices.

⁷ References to “ballots cast” pertains to the process of counting *ballots cast* on Election Day (2023 State Elections Procedures Manual at 200), assessing the number of early *ballots cast* to be included in the hand count (A.R.S. § 16-602(F)), the requirement to compare the *ballots cast* at a voting location match with the check-ins on the signature roster (2023 State Elections Procedures Manual at 197), or requiring the counties to report “the number of *ballots cast* by those persons who were eligible to vote a ballot containing federal offices only.” Laws 2019, Ch. 282, § 1 (codified as A.R.S. § 16-161(B)).

Moreover, there is a good-faith argument that the plain text of the Charter contemplates using the ballots cast in the election as a whole rather than limiting it to a particular office. *See* Charter, Article IX, Section 6 (“At the primary election any candidate who shall receive a majority of all the valid ballots cast ***at such election*** for that office shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said candidate.”) (emphasis added).

CONCLUSION

Based on the plain language of Article IX, Section 6 of the Charter and existing case law, this provision describes the method and manner of electing its officials and is a purely local interest. The August 10, 2025 Demand Letter lacks any legal justification to dismiss the voter-approved Charter provision that dictates how candidates attain a majority threshold to be declared elected at the primary election in favor of a statutory formula. Therefore, the City correctly calculated the requisite majority to seat council members at the primary election under established Supreme Court precedent. Based on the established Charter method, no candidates met the majority threshold and all candidates that appeared on the primary election ballot will proceed to the runoff.