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ELECTION LAW - ARIZONA

Public Integrity Alliance, Inc. v. City of Tucson

United States Court of Appeals, Ninth Circuit - September 2, 2016 - F.3d - 2016 WL 4578366

Voters and advocacy organization brought action challenging the constitutionality of city's hybrid system for electing members of its city council through staggered ward-level primary elections and at-large general elections.

The United States District Court entered judgment in city's favor, and plaintiffs appealed. The Court of Appeals reversed, and rehearing en banc was granted.

The Court of Appeals, en banc, held that:

- Balancing and means-end fit analysis, rather than traditional rational basis review, was the appropriate standard of review, overruling *Libertarian Party of Washington v. Munro*, 31 F.3d 759, and
- City's hybrid election system did not violate the Equal Protection Clause.

The balancing and means-end fit analysis set forth by *Burdick v. Takushi*, 112 S.Ct. 2059, rather than traditional rational basis review, was the appropriate standard for reviewing whether city's hybrid system for electing its city council members violated the Equal Protection Clause; overruling *Libertarian Party of Washington v. Munro*, 31 F.3d 759.

City's hybrid system for electing its city council members, whereby candidates were nominated in staggered partisan primaries held in each of city's six wards but all residents voted in general election for one council member from each ward that held primary during same election cycle, did not violate Equal Protection Clause. Burden on voters was minimal, as every voter had the equal right to vote in both the primary and general elections, even if every voter could not vote in a primary in every election year, and there was no unequal weighting of votes, discrimination, or impediment to voting, and any such burden was justified by city's interest in ensuring local representation by and geographic diversity among its elected officials.