



## **Understanding Carefree Term Limits**

*June 7, 2018*

Last week, Maricopa County Superior Court ruled that a Carefree Town ordinance adopted in 2011 imposing term limits is in violation of the State Constitution and State law.

The Court found that Towns, such as Carefree, do not have the power to impose term limits. Furthermore, whether the imposition of the term limit is by an act of Council or by voter approved initiative, it is in violation of State law. This is why no other Town form of government within the State has a limitation on terms served by Mayor or Town Council Members and why term limits were never included in the original Town Code.

### *Background*

Carefree Vice Mayor John Crane has served three terms, one by appointment and two by election. Therefore, pursuant to the Carefree term limit ordinance, Councilman Crane did not have the right to run for another term. In April, after pulling nominating petitions, the Town advised Councilman Crane that should he submit nominating petitions to run for another term, his petitions would be rejected by the Town. As a result, Councilman Crane engaged an attorney, at his expense, and filed suit in the Superior Court claiming that the current Town ordinance was in violation of State law and violated his right to seek another term of office. Although the Town defended the ordinance, the Judge found the ordinance was in violation of State law. The Judge ordered that the Town must process John Crane's petitions and that the County is required to print his name on the ballot. His nominating petitions were submitted on time and processed. The voters will now have the right in the upcoming election to vote for Councilman Crane if they wish to do so. If re-elected, John Crane cannot be barred from continuing to volunteer and serve an additional two-year term.

Looking further ahead, the Town must rewrite the ordinance to comply with State law and the Superior Court decision and remove term limits from the Town Code.