



Legislation Details (With Text)

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Title: Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Sections to Establish Non-Partisan Nomination And Election For The Offices of Mayor and Council And Determine Ballot Language for this Amendment (7 Votes Required)

Sponsors: Kirk Westphal, Chuck Warpehoski, Jane Lumm

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Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Sections to Establish Non-Partisan Nomination And Election For The Offices of Mayor and Council And Determine Ballot Language for this Amendment (**7 Votes Required**)

MCL 117.21 of the Home Rule City Act provides that amendment to an existing city charter may be proposed by the legislative body of a city on a 3/5 vote of the members-elect.

Each ballot question presented to the voter must, under Michigan election law, is limited to a single subject.

The proposed amendment would:

- provides for nomination of candidates for the those offices by nominating petitions
- updates the filing date for those petitions to comply with current election law
- removes the provision requiring City Council Members canvas votes for all City primary elections [this provision has been superseded by MCL168.24a which abolished City boards of canvassers]
- eliminates any reference to party affiliation on the election ballot.

If the ballot question to adopt non-partisan nomination and election of Mayor and Council is approved by the voters, non-partisan candidates for five Council seats would appear on the November 2017 ballot.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Sponsor: Councilmembers Westphal, Warpehoski and Lumm

Whereas, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by three-fifths vote of its members-elect and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election:

Whereas, The resolution must set forth the ballot language for the proposed charter amendment with each proposal being limited to a single subject,

Whereas, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment:

Whereas, Section 13.4 of the City Charter currently reads:

Primary Elections

Section 13.4

- (a) A City primary election shall be held on February 15, 1993, on August 3, 1993, and in succeeding years on the first Tuesday following the first Monday in August of each year. If, upon expiration of the time for filing nomination petitions for any elective office, it appears that petitions have been filed for no more than one candidate for the office from each political party nominating candidates therefor, no primary election shall be held with respect to the office. The candidates receiving the highest number of votes of their respective parties at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular election under the party heading set forth in the nomination petitions for the candidates.
- (b) No person who is a sticker candidate for nomination, or whose name is written in on the ballots of any primary election, shall be declared nominated unless that person receives at least fifty votes.

Whereas, Section 13.8 of the City Charter currently reads:

Nomination Petitions

Section 13.8

- (a) A person desiring to qualify as a candidate for an elective City office shall file with the Clerk a nomination petition consisting of one or more official petition forms. Each petition filed by or on behalf of a person seeking nomination to the offices of Mayor shall be signed by not less than 250 nor more than 350 registered electors including at least 50 signatures of resident of each ward. Each petition filed by or on behalf of a person seeking nomination to the office of Council Member shall be signed by not less than 100 nor more than 200 registered electors of the ward from which the person seeks to be elected.
- (b) Official petition forms, substantially similar to those required by law for state and county officers, shall be prepared and furnished by the Clerk. Before the Clerk furnishes petition forms to any person, the Clerk shall enter thereon, in ink or by typewriter, the

name of the person in whose behalf the petition is to be circulated and the name of the office for which the person is a candidate. No petition form which has been altered with respect to such entries shall be received by the Clerk for filing. Nomination petitions for the purpose of filling a vacancy shall so state. Petitions shall be filed with the Clerk not later than 5:00 p.m., on the seventh Monday prior to the date of the regular City primary election. The Clerk shall publish notice of the last day, time, and place for filing nomination petitions at least one week but not more than three weeks before that date.

- (c) Upon the filing thereof, nomination petitions shall be public records and open to public inspection, but only in the presence and upon the authority of the Clerk or an authorized employee of the Clerk's Office.

Whereas, Section 13.11 of the City Charter currently reads:

Form of Ballots

Section 13.11. The names of all persons nominated for election to each office shall be placed upon the ballot. The form of the ballot used in any City primary or election and the printing and numbering thereof shall conform, as nearly as may be, with the requirements of the general election laws of the State.

Whereas, Section 13.12 of the City Charter currently reads:

Canvass of Votes

Section 13.12. The members of the Council, who are not candidates for elective office, shall be the Board of Canvassers to canvass the votes cast at all City primaries and elections. The Board of Canvassers shall meet on the first Thursday after each City primary and election, shall publicly canvass the returns of such primary or election, shall determine the vote upon all questions and propositions, and shall declare whether the same have been adopted or rejected and what persons have been nominated or elected. In the event that a majority of the Board does not convene to canvass the returns of any primary or election, such members as do convene, together with the Clerk, the Attorney, and the Chief of Police, or any two of them, shall constitute the Board of Canvassers for such purpose.

Whereas, Fewer restrictions on holding office are more consistent with open and democratic government;

Whereas, Voter turnout in November is significantly and consistently higher than turnout in August;

Whereas, Holding the meaningful election of City Council members on a date when turnout is highest is best for strengthening democratic representation; and

Whereas, A majority of cities nationally do not use partisan labels in electing City Council members;

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Primary Elections

Section 13.4

- (a) A City **non-partisan** primary election **for the purpose of nominating such officers of the City as this Charter provides** shall be held on ~~February 15, 1993, on August 3, 1993~~ **August 8, 2017**, and in succeeding years on the first Tuesday following the first Monday in August of ~~each~~ **years provided for in Section 12.4**. If, upon expiration of the time for filing nomination petitions for any elective office, it appears that petitions have been filed for no more than ~~one~~ **two** candidates for the office from ~~each political party nominating candidates therefor~~, no primary election shall be held with respect to the office. The **two** candidates receiving the highest number of votes of ~~their respective parties~~ at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular election under the party heading set forth in the ~~nomination petitions for the candidates~~.
- (b) No person who is a sticker candidate for nomination, or whose name is written in on the ballots of any primary election, shall be declared nominated unless that person receives at least fifty votes.

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Nomination Petitions

Section 13.8

- (a) A person desiring to qualify as a candidate for an elective City office shall file with the Clerk a **non-partisan** nomination petition consisting of one or more official petition forms. Each petition filed by or on behalf of a person seeking nomination to the offices of Mayor shall be signed by not less than 250 nor more than 350 registered electors including at least 50 signatures of resident of each ward. Each petition filed by or on behalf of a person seeking nomination to the office of Council Member shall be signed by not less than 100 nor more than 200 registered electors of the ward from which the person seeks to be elected.
- (b) Official petition forms, substantially similar to those required by law for state and county officers, shall be prepared and furnished by the Clerk. Before the Clerk furnishes petition forms to any person, the Clerk shall enter thereon, in ink or by typewriter, the name of the person in whose behalf the petition is to be circulated and the name of the office for which the person is a candidate. No petition form which has been altered with respect to such entries shall be received by the Clerk for filing. **Non-partisan** ~~N~~ nomination petitions for the purpose of filling a vacancy shall so state. Petitions shall be filed with the Clerk not later than **54:00 p.m.**, on the ~~seventh Monday~~ **fifteenth Tuesday** prior to the date of the regular City primary election. The Clerk shall publish notice of the last day, time, and place for filing nomination petitions at least one week but not more than three weeks before that date.
- (c) Upon the filing thereof, nomination petitions shall be public records and open to public inspection, but only in the presence and upon the authority of the Clerk or an authorized

employee of the Clerk's Office.

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Form of Ballots

Section 13.11. The names of all persons nominated for election to each office shall be placed upon the ballot. The form of the ballot used in any City primary or election and the printing and numbering thereof shall conform, as nearly as may be, with the requirements of the general election laws of the State. **No party vignette or emblem or other designation shall appear on the ballot.**

RESOLVED, That deletion of the following charter provision be placed on the ballot and submitted to the voters at the next general city election:

~~Canvass of Votes~~

~~Section 13.12. The members of the Council, who are not candidates for elective office, shall be the Board of Canvassers to canvass the votes cast at all City primaries and elections. The Board of Canvassers shall meet on the first Thursday after each City primary and election, shall publicly canvass the returns of such primary or election, shall determine the vote upon all questions and propositions, and shall declare whether the same have been adopted or rejected and what persons have been nominated or elected. In the event that a majority of the Board does not convene to canvass the returns of any primary or election, such members as do convene, together with the Clerk, the Attorney, and the Chief of Police, or any two of them, shall constitute the Board of Canvassers for such purpose.~~

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form, which includes the statement of purpose:

CHARTER AMENDMENT PROPOSAL NO. 1

AMENDMENT ESTABLISHING NON-PARTISAN NOMINATION AND ELECTION FOR THE OFFICES OF MAYOR AND COUNCIL.

It is proposed City Charter Sections 13.4, 13.8, and 13.11 be amended and Section 13.12 be deleted to provide for nomination of non-partisan candidates for those offices by filing of nominating petitions and removal of reference to a candidate's party designation on the ballot.

Shall this proposed amendment to the Ann Arbor City Charter be adopted?

Yes

No

RESOLVED, That November 8, 2016, be designated as the day for holding an election on the proposed Charter amendment and the City Clerk is directed to give notice of the election and in a manner prescribed by law and to do all things necessary to submit the Charter amendment to a vote of the electors on the designated day as required by law;

RESOLVED, That if the above Charter Amendment Proposal is approved by the voters and the Charter Amendment to Increase the Term of Office for Each Member of Council, Including the Mayor,

from Two to Four Years is also approved by the voters on November 8, 2016, then the Section 13.4 shall have been adopted to read as follows:

Primary Elections

Section 13.4

- (a) A City **non-partisan** primary election **for the purpose of nominating such officers as this Charter provides** shall be held on ~~February 15, 1993, on August 3, 1993~~**August 8, 2017**, and in succeeding years on the first Tuesday following the first Monday in August of ~~each year~~**as provided for in Section 12.4**. If, upon expiration of the time for filing nomination petitions for any elective office, it appears that petitions have been filed for no more than ~~one~~**two** candidates for the office ~~from each political party nominating candidates therefor~~, no primary election shall be held with respect to the office. The **two** candidates receiving the highest number of votes of ~~their respective parties~~ at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular election ~~under the party heading set forth in the nomination petitions for the candidates~~.
- (b) No person who is a sticker candidate for nomination, or whose name is written in on the ballots of any primary election, shall be declared nominated unless that person receives at least fifty votes.

RESOLVED, That if both Charter Amendments are not approved by the voter at the November 8, 2016 election and only the Charter Amendment to Establish Non-Partisan Nomination and Election for the Offices of Mayor and Council is approved that Section 13.4 shall have been adopted to read as submitted hereabove;

RESOLVED, That if both Charter Amendments are not approved by the voter at the November 8, 2016 election and only the Charter Amendment to Increase the Term of Office for Each Member of Council, Including the Mayor, from Two to Four Years is approved by the voters on November 8, 2016, then the Section 13.4 shall have been adopted to read as submitted;

RESOLVED, That the Clerk shall transmit a certified copy of this Resolution to the Governor of the State of Michigan for approval of the proposed amendment and transmit a certified copy of this Resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment;

RESOLVED, That the City Clerk is directed to publish the proposed charter amendment in full, together with the existing charter provisions amended as required by law and in accordance with resolution of Council, post the proposed charter amendment in full together with the existing charter provisions to the City's website; and

RESOLVED, That the amendment, if adopted, shall take immediate effect.