



Legislation Text

File #: 22-1626, **Version:** 2

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)**

Whereas, On November 2, 2021, Ann Arbor voters approved the Ranked Choice Voting ballot initiative to amend the city Charter to stipulate future city elections must be conducted using ranked-choice voting once authorized by the state;

Whereas, Bills have been introduced in the Michigan House and Senate to move the primary election day from August to a spring date to allow more time to process the primary election results and prepare for the general election;

Whereas, Most city clerks in Michigan support a spring primary election;

Whereas, Ann Arbor is one of only three cities in Michigan to conduct local elections on a partisan basis and all of Ann Arbor's traditional benchmark cities (Boulder, Berkeley, Madison, Austin) conduct local elections on a non-partisan basis;

Whereas, Voter turnout in November is significantly and consistently higher than turnout in August (and the August date is likely to change to a spring date), thus holding the meaningful election of the Mayor and City Council Members in November when turnout is highest strengthens democratic representation;

Whereas, Fewer restrictions on holding office are more consistent with open and democratic government and conducting local elections on a non-partisan basis is likely to increase the number of qualified candidates interested in running for local office;

Whereas, Ann Arbor residents have not had an opportunity to provide input on this question of partisan/non-partisan local elections since the 1950's;

Whereas, On July 1, 2019, seven Council Members voted affirmatively on a resolution to place this question before voters on November 5, 2019, but on July 5, 2019, that resolution was vetoed by Mayor Taylor eliminating the voters' opportunity to decide the question;

Whereas, Again on August 10, 2020, seven Council Members voted affirmatively on a resolution to place this question before voters on November 3, 2020, but on August 11, 2020, that resolution was vetoed by Mayor Taylor eliminating the voters' opportunity to decide the question;

Whereas, It is wholly appropriate and consistent with democratic principles to allow citizens to determine the basis on which their local elections are conducted;

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; and

Whereas, Section 13.4 of the City Charter currently reads:

Primary Elections

Section 13.4

- (a) A City primary election for the purposes of nominating such officers of the City as this Charter provides shall be held August 8, 2017 and in succeeding years on the first Tuesday following the first Monday in August 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 candidate for the office from each political party nominating candidates therefor, no primary election shall be held with respect to the office. The nominees for election to the respective offices for which they are candidates shall be selected pursuant to Section 13.5. 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.

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at next 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 August 8, 2017 and in succeeding years on the first Tuesday following the first Monday in August 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 candidate~~ **two candidates** for the office ~~from each political party nominating candidates therefor~~, no primary election shall be held with respect to the office. ~~The nominees for election to the respective offices for which they are candidates shall be selected pursuant to Section 13.5~~ **The two candidates receiving the highest number of votes 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 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** 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 November 7, 2023 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 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 to provide for the nomination and election 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 7, 2023 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 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 be 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.

Sponsored by: Councilmember Griswold