City of Ann Arbor

Legislation Details (With Text)

File #:	15-0859	**Version:** 1 **Name:**	7/20/15 Charter Amendment Ballot Question: Non-Partisan Nomination and Election of Mayor and Council
Type:	Resolution	**Status:**	Defeated
File created:	7/20/2015	**In control:**	City Council
On agenda:	7/20/2015	**Final action:**	7/20/2015
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Title: Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Sections Eliminating the Partisan Primary Process and Establishing Non-Partisan Nomination and Election for the Offices of Mayor and Council at City General Elections and Determine the Ballot Language for this Amendment (7 Votes Required)

Sponsors: Jane Lumm, Kirk Westphal, Jack Eaton

Indexes:

Code sections:

Attachments: 1. Lumm Ltr to Council 070615

Date	Ver.	Action By	Action	Result
7/20/2015	1	City Council	Approved	Fail

Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Sections Eliminating the Partisan Primary Process and Establishing Non-Partisan Nomination and Election for the Offices of Mayor and Council at City General Elections and Determine the 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. The Act further provides that election of a Mayor and Council members may be by partisan or nonpartisan method of voting (MCL 117.3).

In order to promote an approach to governance of this City that focuses on efficiency, [eliminating local primary costs] and effectiveness [potentially increasing the likelihood of voter turnout for November elections], I am proposing my fellow Council members consideration an amendment to the City Charter which would change the manner of election of Mayor and Council Members from partisan elections to non-partisan election.

The proposed amendment eliminates the primary election for local offices, 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the provision requiring City Council Members canvas votes for all City primary elections [this provision has been superseded by MCL168.24a which abolished City boards of canvassers] and eliminates any reference to party affiliation on the election ballot. It is proposed that these changes be placed before the voters at the November 3, 2015 general election and if adopted no primary local primary would be held in August 2016 and non-partisan candidates would appear on the November 2016 ballot.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney
Sponsored by: Councilmembers Lumm, Westphal and Eaton

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(s) 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(s) with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition;

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 13.1 of the City Charter currently reads:

Officers to be Elected

Section 13.1

(a)   At the City primary election held in August, 1993, and at the regular City election held in November, 1993, and at each City primary election and regular City election thereafter, one member of the Council shall be nominated and elected from each ward.

(b)   At the City primary election held in August, 1994, and at the regular City election held in November, 1994, and at the City primary election and regular City election held in each even numbered year thereafter, a Mayor shall be nominated and elected from the City at large.

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 th3e 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 13.6 of the City Charter currently reads:

Qualifications of Electors

Section 13.6. Each person who is a resident of the City and an elector of the State, or who will be such at the time of the next ensuing City primary or election, may register as an elector of the City in the election precinct in which he resides.

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, Section 13.13 of the City Charter currently reads:

Recount

Section 13.13

(a)   A recount of the votes cast at any primary or election for any office, or upon any proposition, may be had in accordance with the general election laws of the State.

(b)   Each petition for a recount of votes cast at a City primary or election shall be filed with the Clerk within six days after the canvass thereof and any counter petition shall be filed within twenty-four hours thereafter.

Whereas, Section 13.14 of the City Charter currently reads:

Tie Vote

Section 13.14. If, at any primary or election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, the Council shall name a date for the appearance of such persons for the purpose of determining the nomination or election by lot, as provided by law. Should any candidate fail to appear, in person or by representative, at the time and place named by the Council, such determination shall be made by lot in that person's absence, at the direction and under the supervision of the Council. Such determination shall be final.

and

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

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

Officers to be Elected

Section 13.1

(a)   At ~~the City primary election held in August, 1993, and at the regular City election held in November, 1993, and a~~At each ~~City primary election and~~ regular City election ~~thereafter~~, one member of the Council shall be nominated and elected from each ward.

(b)   ~~At the City primary election held in August, 1994, and at the regular City election held in November, 1994, and a~~At the ~~City primary election and~~ regular City election held in each even numbered year ~~thereafter,~~ a Mayor shall be nominated and elected from the City at large.

RESOLVED, That deletion of the following 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 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 th3e 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:

Qualifications of Electors

Section 13.6. Each person who is a resident of the City and an elector of the State, or who will be such at the time of the next ensuing City ~~primary or~~ election, may register as an elector of the City in the election precinct in which he resides.

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(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~~4:00 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 following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

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Section 13.13

(a)   A recount of the votes cast at any ~~primary or~~ election for any office, or upon any proposition, may be had in accordance with the general election laws of the State.

(b)   Each petition for a recount of votes cast at a City ~~primary or~~ election shall be filed with the Clerk within six days after the canvass thereof and any counter petition shall be filed within twenty-four hours thereafter.

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

Tie Vote

Section 13.14. If, at any ~~primary or~~ election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, the Council shall name a date for the appearance of such persons for the purpose of determining the ~~nomination or~~ election by lot, as provided by law. Should any candidate fail to appear, in person or by representative, at the time and place named by the Council, such determination shall be made by lot in that person's absence, at the direction and under the supervision of the Council. Such determination shall be final.

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

ANN ARBOR CITY CHARTER AMENDMENT ELIMINATING THE PARTISAN PRIMARY PROCESS AND ESTABLISHING NON-PARTISAN NOMINATION AND ELECTION FOR THE OFFICES OF MAYOR AND COUNCIL AT CITY GENERAL ELECTION.

Shall Sections 13.1, 13.6, 13.8, 13.11, 13.13, and 13.14 of the City Charter be amended and Sections 13.4 and 13.12 of the City Charter be deleted to eliminate the requirement of a primary election for the offices of Mayor and City Council Member, provide for nomination of candidates for those offices by filing of nominati9ng petitions and election of those candidates at the City's general election and the removal of any reference to a candidate's party designation on the ballot?

Yes   No

RESOLVED, That November 3, 2015 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 City 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 effect January 1, 2016.