

Elections (Article 4 and portions of Article 8 of the Caro Charter)

Section 1 – Qualifications of Electors

The residents of the city having the qualifications of electors in the State of Michigan who are registered in the city shall be electors in the city.

Section 2 – Procedure

The election of the mayor and six Council persons shall be on a non-partisan basis. The general election statutes shall apply to and control all procedures relating to city elections, including qualification of electors, establishment of precincts, verification of petitions, registration of voters and voting hours. The City Clerk shall give public notice of each city election in the same manner as required by law for the giving of public notice of general elections in the state.

Section 3 – Precincts

The election precincts of the city shall remain, as they existed on the effective date of this charter unless altered by the Elections Commission in accordance with the laws of the State of Michigan.

Section 4 – Date of Regular City Elections

A non-partisan regular city election shall be held on the first Tuesday following the first Monday of November of even numbered years.

Section 5 – Special Election Dates

Unless otherwise specified by this charter, special city elections shall be called by resolution of the Council in accordance with state law. Any resolution calling a special election shall set forth the purpose of such election. There shall be no more than two (2) special elections in one (1) calendar year, unless otherwise permitted or required by law.

Section 6 – Notice

Notice of the time and place of holding any city election and of the offices to be filled and the questions to be voted upon shall be given by the City Clerk as provided in the state election law for the giving of notice by city clerks.

Section 7 – Voting Hours

The polls of all elections shall be opened and closed in accordance with the election laws of the State of Michigan for the opening and closing of polls at state elections.

Section 8 – Nominations – Generally

The method of nominations for all candidates for city elections shall be by petition as set forth in the Michigan Election Law, as amended.

Section 9 – Nominations – Form of Petition

The form of petition shall substantially as that designated by the Secretary of State for the nomination of non-partisan officers. The City Clerk shall provide and maintain a supply of official petition forms.

Section 10 – Nominations - Approval of Petitions

The City Clerk shall accept only nomination petitions which conform with the forms provided and maintained by the City Clerk. The nominating petitions shall be submitted in accordance with the state deadline for filing petitions. The petition(s) shall contain a minimum of 15 and a maximum of 25 signatures of registered electors for a candidate having the qualification required for the respective elective city office by this charter. Petitions shall be accepted only when accompanied by an Affidavit of Identity as required by Michigan Election Laws as amended. The City Clerk shall within two (2) business days examine the petitions and investigate the validity and genuineness of signatures submitted and, after the last day specified for receiving and filing nominating petitions, shall certify to the Election Commission the name and post office address of each candidate whose petitions meet the requirements set forth in the election act. The City Clerk shall immediately notify the candidates in writing of the City Clerk's determination. Objections to the City Clerk's determination shall be filed by sworn complaint with the County Clerk or as otherwise provided by state law.

Section TBD - Nominations – Candidate to Run for Only One Office (from Chelsea Charter)

The City Clerk shall not accept nominating petitions for the election of any candidate for more than one office. However, if a candidate withdraws their petitions for election to any elective office prior to the last day for filling petitions, the candidate may thereafter file petitions for another office by the last day for filing petitions.

Section 11 – Nominations – Withdrawal of Candidate

After the filing of a nomination petition by or on behalf of a proposed candidate for a city office, such candidate shall not be permitted to withdraw, unless a written notice of withdrawal is served on the City Clerk not later than 4:00 p.m. on the third business day after the last day for filing petitions as provided in this charter.

Section 12 -Public Inspection of Petitions

All nomination petitions filed shall be open to public inspection in the office of the City Clerk.

Section 13 – Election Commission Created; Composition; Duties; and Compensation

An Election Commission is hereby created, consisting of the City Clerk, a member of the City Council, and one qualified registered elector, both to be appointed by City Council. The City Attorney shall serve as an ex-officio member. The Election Commission shall be appointed for a term of two (2) years as part of the Council's Adoption of the Resolution of Organizational Matters. The member of the City Council serving on the Election Commission shall be a member whose name will not appear on the ballot for any office during their term on the Commission. The Council shall determine compensation, if any, of the members of the Election Commission. The City Clerk shall be the chairperson and two (2) members of such board shall constitute a quorum. The commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. The compensation of the election personnel shall be determined, in advance, by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Section 14 – Form of Ballot

The form, printing and numbering of ballots or the preparation of the voting machines used in any city election shall conform to that prescribed by statute, except that no party designation or emblem shall appear.

Section 15 – Custody and Safekeeping of Registered Lists and Supplies

The City Clerk shall be responsible for the custody and safekeeping of all registration lists and supplies.

Section 16 – Absentee Ballots

The electors of the city shall be entitled to vote by absentee ballots at any city election as provided by statute.

Section 17 – Determination of Election Ending in a Tie Vote

If, at any city election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Washtenaw County Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by statute.

Section 18 – Recount

A recount of the votes cast at any city election of any office or upon any proposition may be had in accordance with the state statute.

Section 19 – Interim Election Cycle

Subject to Sections ?? (under Transitions) of this charter, the City Council and Mayor shall be elected. The Mayor shall be elected for a term ending at the first regularly scheduled meeting of the Council following the date of the certification of the city election in 2018. Three (3) City Council persons shall be elected for terms ending at the first regularly scheduled meeting of the Council following the date of the certification of the city election in 2018 and three (3) City Council persons shall be elected for terms ending at the first regularly scheduled meeting of the Council following the date of the certification of the city election in 2016. At each subsequent election, the Mayor and Council persons shall be elected subject to Section 2.?? (under City Council).

Section 20 – Purity of Election; State Lawful and Unlawful Acts – not included

Section 21 – Recall

Any elected official may be recalled from office by the electors of the City in the manner provided by statute. The temporary vacancy of the recalled official(s) shall be filled in accordance with Section 2.06 (c)(2) and shall be effective until a successor shall be elected under the provision of this Charter.

Section 22 - Notice of Election, Acceptance of Office

Notice of the election as Mayor or member of City Council shall be given by the City Clerk within five (5) days after the certification of the election by the Board of Canvassers. If within twenty (20) days from the date of notice, such elected official shall not take, subscribe and file with the City Clerk their oath of office, such neglect shall be deemed a refusal to serve and the elected office shall thereupon be deemed vacant.

Section 23 – Initiative and Referendum Petitions – Generally (Caro - Section 8.11)

Any ordinance may be initiated by petition, or a referendum on an enacted ordinance may be made by petition as hereinafter provided.

Section 24 – Petitions for Initiatives and Referendums (Caro - Section 8.12)

- (a) An initiative or referendum petition shall be signed by not less than ten percent (10%) of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petitions shall be obtained within forty-five (45) days before the date of filing the petition with the City Clerk.
- (b) Any such petition shall be presented on the forms as prescribed by the Secretary of State and signed and circulated by registered electors of the city.
- (c) An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance.

- (d) A referendum petition shall identify the ordinance or part thereof it proposes to have repealed.
- (e) Such petitions shall be filed with the clerk who shall, within fifteen (15) days, verify the signatures thereon.
- (f) If the petition does not contain a sufficient number of signatures of registered electors of the city, the City Clerk shall notify forthwith the person filing such petition and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers.
- (g) When a petition with sufficient signatures is filed within the time allowed by this section, the City Clerk shall present the petition to the Council at its next regular meeting.

Section 25 – Petitions – Council Procedures, Submission to Electors (Caro – Section 8.13)

Upon receiving an initiative or referendum petition from the City Clerk the Council shall, within thirty (30) days, unless otherwise provided by law, either,

- (a) Adopt the ordinance as submitted by initiative petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendum petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.
- (d) Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, at the discretion of the Council, at a special election called for that specific purpose.
- (e) In the case of an initiative petition, if no election is to be held in the city for any other purpose within one hundred and fifty (150) days from the time the petition is presented to the Council and the Council does not adopt the ordinance, then the Council shall call for a special election as soon thereafter as an election may be permitted by law.
- (f) The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

Section 25 – General Provisions; Suspension (Caro – Section 8.14)

- (a) The presentation to the Council by the City Clerk of a valid referendum petition shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

- (b) An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of one (1) year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of one (1) year after the dated of the election at which it was repealed.
- (c) If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provision in the ordinance receiving the highest number of affirmative votes shall govern.