



Resolution Proposing City Charter Amendments to Eliminate Local Primary Elections for City Elective Offices and Align Regular City Elections with the Time Provided in State Law

At the regular meeting of the City Commission of the City of Marquette, County of Marquette, State of Michigan, held on the 29th day of April 2024, at 6:00 o'clock p.m., prevailing Eastern Time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____.

WHEREAS, Marquette City Charter Sec. 13-7 requires that “Every ten years the city commission shall appoint a charter study group. The charter study group shall review this charter and make recommendations for changes in this charter. The charter study group shall make its recommendations within one year after appointment”; and

WHEREAS, at the December 19, 2022 regular meeting, the City Commission appointed the City Manager, City Attorney, and City Clerk to the charter study group; and

WHEREAS, at the City Commission’s September 11, 2023 regular meeting, the charter study group provided recommendations for several amendments to the City Charter; and

WHEREAS, Section 21 of the Home Rule City Act, MCL 117.21, as amended, provides that the legislative body of a city may propose, by a vote of 3/5 of its members, an amendment to an existing city charter; and

WHEREAS, Section 21 details the procedure for submitting proposed charter amendments to the electors of the city for approval; and

WHEREAS, it is necessary to amend Section 4-2, Section 4-6, and Section 4-7 of Chapter 4 of the City Charter to provide for the recommended changes;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Commission hereby proposes that Section 4-2 of Chapter 4 of the Charter of the City of Marquette, shall be amended as follows:

Sec. 4-2. – Regular election date.

A regular city election shall be held each year ~~on the Tuesday following the first Monday in November.~~ AT THE TIME PROVIDED BY STATE LAW.

2. The City Commission hereby proposes that Section 4-6 of Chapter 4 of the Charter of the City of Marquette, shall be amended as follows:

Sec. 4-6. – Nominations.

(a) All candidates for city ~~primary~~ elections shall be nominated by petition or by filing a nonrefundable filing fee in the amount established by the city commission, which fee shall be no less than \$100.00, with the city clerk. The form of the petition shall be substantially that designated by the secretary of state for the nomination of nonpartisan judicial officers. A supply of official petition forms shall be provided and maintained by the city clerk. A candidate may have the nominating petitions printed, but the petitions must comply substantially with the statutory form. A qualifying nominating petition shall include the signatures of at least 25 but not more than 50 registered electors of the city. Each petition shall contain the name of only one candidate. A person shall not sign more nominating petitions for the same office than there are persons to be elected to the office. If a qualified and registered voter signs nominating petitions for a greater number of candidates for public office than the number of persons to be elected thereto, his signatures, if they bear the same date, shall not be counted upon any petition and if they bear different dates shall be counted in the order of their priority of date for only so many candidates as there are persons to be elected.

(b) (1) The city clerk shall receive filing fees and nominating petitions filed in accordance with the provisions of this charter and statute. Filing fees and nominating petitions for special elections for the filling of vacancies shall be filed with the city clerk between the thirty-fifth day preceding such and election and 4:00 p.m. local time on the thirtieth day preceding the special election or as otherwise provided by statute.

(2) The city clerk shall, prior to every election, publish notice of the last day permitted for payment of filing fees and filing nominating petitions and of the number of persons to be nominated or elected to each office at least one week and not more than three weeks before the last day on which petitions can be filed or filing fees paid.

(3) Every candidate for elective office shall file with the candidate's nominating petition or filing fee an affidavit that the candidate possesses the qualifications for the office. Failure to file such affidavit shall invalidate the petition. The filing fee shall not be accepted by the city clerk if such an affidavit is not filed.

(c) Within five days after the filing of a nominating petition, the election board shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient, the election board shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The election board shall keep on file all petitions found sufficient at least until the first day of January following the ~~primary~~ election for which the candidates are nominated in the petitions. All nominating petitions filed shall be open to public inspection in the office of the city clerk.

3. The City Commission hereby proposes that Section 4-7 of Chapter 4 of the Charter of the City of Marquette, shall be amended as follows:

Sec. 4-7. Primary elections

~~(a) A regular nonpartisan city primary election shall be held on the Tuesday succeeding the first Monday in August preceding every regular city election for all elective offices of the city except as herein provided.~~

~~(b) If upon the expiration of the time for filing nominating petitions for any elective city office or payment of a filing fee, petitions have been filed or filing fees paid for no more than twice the number of candidates for the office to be elected at the following regular city election, then no primary election shall be held for one or more offices. The city clerk shall publish notice of this fact as part of the publication of notices for the primary election.~~

~~(c) Candidates equal in number to twice the number of persons to be elected to the city commission and to the board of light and power at the next regular city election who receive the highest number of votes in a primary election shall be declared the nominees for election to the respective offices. The names of the nominees shall be certified by the city clerk to the election board to be placed upon the ballot for the next regular city election. THERE SHALL NOT BE A LOCAL PRIMARY ELECTION FOR CITY ELECTIVE OFFICES.~~

4. The provisions of the existing Chapter 4 City Charter to be altered or abrogated by the proposed amendment, if adopted, now reads as set forth in Exhibit A attached hereto.
5. The proposed amendment of Chapter 4 of the City Charter shall be submitted to the electors in the following form:

**PROPOSED AMENDMENT OF SECTION 4-2, SECTION 4-6, AND SECTION 4-7 OF
CHAPTER 7 OF THE CITY CHARTER OF THE CITY OF MARQUETTE.**

Shall Chapter 4 of the Marquette City Charter be amended to indicate that all regular city elections be held at the time provided by State law and to remove all primary elections for city offices?

6. Copies of the proposed amendment shall be transmitted to the Governor of the State of Michigan for her approval, as required by law.
7. Copies of the proposed amendment shall be transmitted to the Attorney General of the State of Michigan for her approval, as required by law.
8. The proposed amendment shall be, and the same is hereby ordered to be, submitted to a vote of the qualified electors of the City of Marquette at an election to be held in the city on Tuesday, November 5, 2024. The ballot wording of the proposed amendment is hereby certified to the City Clerk and to the Marquette County Clerk. The City Clerk is hereby authorized and directed to file this order and/or complete any such forms, certificates or documents as may be required by the County Clerk to evidence the foregoing certification and/or submission by no later than 4:00 p.m. prevailing Eastern Time on August 13, 2024.
9. The City Clerk and the County Clerk are hereby authorized and directed to (a) post and publish notice of election required Michigan Election Law, MCL 168.1 et seq., as amended; and (b) have prepared and printed, as provided by Michigan Election Law, ballots for submitting the proposal at the election, which ballots shall contain the proposal appearing herein, or the proposition shall be stated

as a proposal on the voting machines, which ballots may include other matters presented to the electorate on the same date.

10. The proposed amendment shall be published in full together with the existing City Charter provisions which would be altered or abrogated thereby as part of the notice of election.
11. The canvass and determination of votes of the proposed amendment shall be made in accordance with the laws of the State of Michigan and the City Charter of the City of Marquette.
12. This resolution shall have immediate effect.
13. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same hereby are rescinded.

AYES: _____

NAYES: _____

RESOLUTION DECLARED ADOPTED.

Kyle Whitney, City Clerk

I HEREBY CERTIFY that the attached is a true and complete copy of a resolution adopted by the City Commission of the City of Marquette, County of Marquette, State of Michigan, at a regular meeting held on April 29, 2024, and that the meeting was conducted and public notice of meeting was given pursuant to the Michigan Open Meetings Act (MCL 15.261 et seq), and that the minutes of the meeting were kept and will be or have been made available as required by the act.

Kyle Whitney, City Clerk

EXHIBIT A

PROVISIONS OF EXISTING CHAPTER 4 OF THE CITY CHARTER TO BE ALTERED OR ABROGATED BY PROPOSED CHARTER AMENDMENT

Chapter 4. – ELECTIONS

Sec. 4-2. – Regular election date.

A regular city election shall be held each year at the time provided by State law.

Sec. 4-6. Nominations.

(a) All candidates for city elections shall be nominated by petition or by filing a nonrefundable filing fee in the amount established by the city commission, which fee shall be no less than \$100.00, with the city clerk. The form of the petition shall be substantially that designated by the secretary of state for the nomination of nonpartisan judicial officers. A supply of official petition forms shall be provided and maintained by the city clerk. A candidate may have the nominating petitions printed, but the petitions must comply substantially with the statutory form. A qualifying nominating petition shall include the signatures of at least 25 but not more than 50 registered electors of the city. Each petition shall contain the name of only one candidate. A person shall not sign more nominating petitions for the same office than there are persons to be elected to the office. If a qualified and registered voter signs nominating petitions for a greater number of candidates for public office than the number of persons to be elected thereto, his signatures, if they bear the same date, shall not be counted upon any petition and if they bear different dates shall be counted in the order of their priority of date for only so many candidates as there are persons to be elected.

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(2) The city clerk shall, prior to every election, publish notice of the last day permitted for payment of filing fees and filing nominating petitions and of the number of persons to be nominated or elected to each office at least one week and not more than three weeks before the last day on which petitions can be filed or filing fees paid.

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(c) Within five days after the filing of a nominating petition, the election board shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient, the election board shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The election board shall keep on file all petitions found sufficient at least until the first day of

January following the election for which the candidates are nominated in the petitions. All nominating petitions filed shall be open to public inspection in the office of the city clerk.

Sec. 4-7 Primary elections.

There shall not be a local primary election for city elective offices.