

Proposal Number: 21

Name of Proposed Section: {Proposal contains multiple sections}

Suggested Article: Elections

Introduced by: Commissioner Richardson

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Date Passed:

Text:

Sec. 2-101 QUALIFICATIONS FOR ELECTIVE OFFICE.

EVERY CITY OFFICIAL HOLDING ELECTIVE OFFICE SHALL BE A REGISTERED ELECTOR IN THE CITY OF FLINT AND SHALL HAVE BEEN A RESIDENT OF THE CITY FOR ONE YEAR AS OF THE DEADLINE FOR FILING FOR THAT OFFICE. A WARD COUNCIL MEMBER SHALL BE A RESIDENT OF THAT WARD FROM WHICH ELECTED OR CHOSEN APPOINTED¹ AS OF THE DEADLINE FOR FILING FOR THAT OFFICE. THE CLERK SHALL DETERMINE THE ELIGIBILITY OF CANDIDATES FOR OFFICE. ~~Every elected City official and every candidate for elective office shall be a registered elector in the district he or she represents or seeks to represent.~~²

Sec. 2-201 WARDS.

The City of Flint shall be divided into nine (9) wards, each of which shall nominate and elect a member of the City Council.

CHARTER COMMISSIONERS ELECTED FOR A REVISION OF THIS CHARTER SHALL BE ELECTED IN A NONPARTISAN ELECTION FROM THE NINE WARDS ESTABLISHED FOR CITY COUNCIL ELECTIONS, EACH OF WHICH SHALL NOMINATE AND ELECT A MEMBER OF THE CHARTER COMMISSION.³

Sec. 2-202 BOUNDARIES OF WARDS.

- A. Each ward shall have the same boundaries as shall exist on the effective date of this Charter until changed in accordance with law.

¹ Amended in Committee of the Whole 6/14/2016

² Amended in Committee of the Whole 6/9/2016

³ Amended in Committee of the Whole 1/3/2017

B. THE ELECTION COMMISSION SHALL HOLD A COMMUNITY MEETING PRIOR TO THE CONCLUSION OF THE ELECTION COMMISSION'S WORK ON REVISING BOUNDARIES OF WARDS.⁴

C. The Election Commission shall revise the boundaries of the wards within **THE TIME PERIOD REQUIRED BY LAW.** ~~sixty (60) days after the figures from a Federal decennial census become available.~~⁵ **SUBSEQUENT TO THE COMMUNITY MEETING THE ELECTION COMMISSION SHALL ESTABLISH A PUBLIC HEARING TO ELICIT INPUT FROM THE ELECTORATE ON THE REAPPORTIONMENT OF BOUNDARIES.⁶**

D. The Election Commission shall, to the greatest extent possible, establish wards that are compact, contiguous and of equal population.

E. New ward boundaries created within 120 days of a City election shall become effective after the City election.

Sec. 2-203 BOUNDARIES OF PRECINCTS.

The City Clerk shall revise the boundaries of precincts in accordance with statute and whenever necessary for the orderly administration of elections.

Sec. 2-301 TIME OF ELECTIONS.

~~The primary and general elections for all City offices shall be at the time provided by law.~~

THE VOTERS OF THE CITY SHALL ELECT A MAYOR AND CITY COUNCIL IN A GENERAL ELECTION AT THE SAME TIME THAT THE VOTERS OF THE STATE OF MICHIGAN NORMALLY ELECT A GOVERNOR FOR A FOUR-YEAR TERM. THE TERM SHALL BEGIN AT 12 O'CLOCK NOON ON THE MONDAY FOLLOWING THE CERTIFICATION OF ELECTION AND SHALL SERVE IN THAT OFFICE UNTIL THE NEXT GENERAL ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED. THE CITY PRIMARY ELECTION SHALL BE HELD UPON THE SAME DATE THAT THE STATE OF MICHIGAN PRIMARY ELECTION SHALL BE HELD IMMEDIATELY PRECEDING THE GENERAL ELECTION IN WHICH THE VOTERS OF THE STATE NORMALLY ELECT A GOVERNOR FOR A FOUR YEAR TERM.⁷

Sec. 2-302 NONPARTISAN BALLOT.

⁴ Amended in Committee of the Whole 7/14/2016

⁵ Amended in Committee of the Whole 6/9/2016

⁶ Amended in Committee of the Whole 7/14/2016

⁷ Amended in Committee of the Whole 6/23/2016 and 3/2/2017

The Clerk shall prepare ballots which shall conform to the provisions of law. However, no party designation or emblem shall appear on the ballot in regard to City offices.

Sec. 2-303 METHOD OF NOMINATION.

- A. The method of nomination to all elective offices in the City shall be by petition. A primary election shall be held on those occasions when the number of persons submitting valid nominating petitions exceeds twice the number of vacancies to be filled.
- B. Nominating petitions submitted by candidates for the office of City Council member shall be signed by at least ~~one hundred (100)~~ **SEVENTY FIVE (75)**⁸ of the registered voters of the City who shall be residents of the ward in which the election is to be held.
- C. **NOMINATING PETITIONS SUBMITTED BY CANDIDATES FOR THE OFFICE OF CHARTER REVIEW COMMISSION SHALL BE SIGNED BY AT LEAST ~~ONE HUNDRED (100)~~ SEVENTY FIVE (75) OF THE REGISTERED VOTERS OF THE CITY WHO SHALL BE RESIDENTS OF THE WARD IN WHICH THE ELECTION IS TO BE HELD.**⁹
- D. Nominating petitions submitted by candidates to the office of Mayor shall be signed by at least ~~nine hundred (900)~~ **SIX HUNDRED (600)**¹⁰ registered voters of the City.
- E. No nominating petitions shall be accepted for filing unless accompanied by an affidavit sworn to by the candidate stating: ~~that the candidate possesses the legal qualifications for the office and requesting that the candidate's name be printed on the official ballot.~~¹¹
 - 1. **THAT THE CANDIDATE POSSESSES THE LEGAL QUALIFICATIONS FOR THE OFFICE AND REQUESTING THAT THE CANDIDATE'S NAME BE PRINTED ON THE BALLOT**
 - 2. **ANY CURRENT DIRECT BUSINESS INTERESTS WITH THE CITY OF FLINT BY THE CANDIDATE OR A CANDIDATE'S IMMEDIATE FAMILY MEMBER (SEE DEFINITIONS SEC 1-404), AND**
 - 3. **ANY CURRENT DEFAULT ON TAXES OR FEES TO THE CITY OF FLINT OR ANY GOVERNMENT AGENCY**¹²

⁸ Amended in Committee of the Whole 3/7/2017

⁹ Amended in Committee of the Whole 6/9/2016, 3/7/2017

¹⁰ Amended in Committee of the Whole 3/7/2017

¹¹ Amended in Committee of the Whole 6/23/2016

¹² Amended in Committee of the Whole 6/23/2016 and 2/28/2017

Sec. 2-304 NOMINEES.

The number of nominees for each elective City office selected at each primary election may not exceed twice the number of vacancies to be filled. The nominees are entitled to have their names printed on the general election ballot.

Sec. 2-305 STATE LAW TO APPLY.

Except as otherwise provided by this Charter or ordinance, State law applies to the qualifications and registration of voters, the filing for office by candidates, and the conduct and canvass of City elections.

Sec. 2-401 INITIATIVE AND REFERENDUM.

The voters of the City reserve the power to enact City ordinances, called the “initiative” and the power to nullify ordinances enacted by the City, called “referendum.” However, these powers do not extend to the budget or any ordinance for the appropriation of money.

Sec. 2-401a PETITIONS FOR IMPROVEMENTS

ANY NUMBER OF PERSONS MAY FILE PETITIONS FOR MAKING PUBLIC IMPROVEMENTS, THE EXPENSE OF WHICH IS TO BE BORNE BY SPECIAL ASSESSMENTS WITHIN A SPECIFIED DISTRICT. SUCH PETITIONS SHALL BE FILED WITH THE CLERK AND SHALL DETAIL THE PROPOSED SCOPE OF IMPROVEMENTS AND THE PROPOSED BOUNDARIES OF THE ASSESSMENT DISTRICT. ALL SUCH PETITIONS SHALL BE PRESENTED TO THE COUNCIL WITHIN 60 DAYS AFTER BEING FILED. ALL SUCH PETITIONS SHALL BE DEEMED ADVISORY ONLY. WITHIN 120 DAYS AFTER SUCH PETITIONS ARE FILED WITH THE CLERK, THE CITY COUNCIL SHALL DETERMINE, VIA VOTE:

- A. IF THE PROPOSED PUBLIC IMPROVEMENTS ARE CONSISTENT AND COMPATIBLE WITH THE LAND USE, TRAFFIC, AND OTHER PLANS OF THE CITY.**
- B. IF THE PROPOSED IMPROVEMENTS AND ASSESSMENT ARE CONSISTENT WITH LOCAL, STATE, AND FEDERAL LAW.**
- C. IF THE PROPOSED IMPROVEMENTS AND ASSESSMENT WOULD IMPROVE PUBLIC HEALTH, SAFETY, AND WELFARE OF CITIZENS.**
- D. IF THERE IS POTENTIAL SUPPORT WITHIN THE AREA OF THE ASSESSMENT FOR THE CREATION OF THE ASSESSMENT DISTRICT FOR CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.**

IF THE CITY COUNCIL DETERMINES THAT ALL OF THE ABOVE ARE ACCURATE THEY SHALL DRAFT AN ORDINANCE TO CREATE THE PROPOSED ASSESSMENT DISTRICTS AND SUBMIT IT TO VOTERS WITHIN THE DISTRICT FOR THEIR APPROVAL AS THE NEXT REGULARLY SCHEDULED ELECTION. IF THE COUNCIL DETERMINES

THE RESIDENTS CANNOT BEAR THE COST OF THE ASSESSMENT THEY SHALL INVESTIGATE OTHER FUNDING OPTIONS FOR THE IMPROVEMENTS.¹³

Sec. 2-402 PETITIONS FOR INITIATIVE AND REFERENDUM.

- A. Initiative and referendum petitions must be signed by a number of City electors equivalent to at least five percent (5%)¹⁴ of the total number of votes cast for Mayor at the last regular Mayoral election.
- B. Petitions shall set forth in full the measure to be initiated or referred as well as a brief statement of its substance.
- C. Signers of petitions shall be voters of the City. Each signer shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition paper shall contain a sworn affidavit of the circulator stating that the circulator is a registered elector of the City; that each signature is, to the knowledge of the circulator, the genuine signature of a registered elector and the person whose name it purports to be; and that it was affixed in the presence of the circulator.
- D. The City Clerk shall within ten (10) days, canvass the signatures and present the petition, if found sufficient and proper, to the City Council at its next regular meeting.
- E. If the City Clerk does not find the petitions to be sufficient and proper, the City Clerk shall forthwith notify each circulator by mail of the deficiency.

Sec. 2-403 TIME OF FILING.

- A. An initiatory or referendary petition must be filed with the City Clerk not less than ninety (90) days before the election at which it is to be voted on. Any signature obtained more than ninety days (90) before filing of such petition with the Clerk shall not be counted or considered as a valid signature on the petition upon which it appears.
- B. In addition, a referendary petition must be filed with the City Clerk no later than thirty (30) days from the effective date of the ordinance with which it deals.

Sec. 2-404 COUNCIL ACTION ON INITIATORY OR REFERENDARY PETITIONS.

- A. Upon receiving an initiatory or referendary petition from the City Clerk, the City Council shall within thirty (30) days either:
 - 1. If it be an initiatory petition, adopt the ordinance as submitted in the petition or submit the proposal to the electors; or

¹³ Amended in Committee of the Whole 6/14/2016

¹⁴ Amended in Committee of the Whole 8/11/2016

2. If it be a referendary petition, repeal the ordinance to which the petition refers or submit the proposal to the electors.
 - B. Submission to the voters shall take place at the next election, or at a special election held prior to the next election.
 - C. The resolution calling for a special election must be adopted by the City Council at least forty-nine (49) days before the special election.

Sec. 2-405 SUSPENSION OF ORDINANCE.

A referendary petition filed with the City Clerk and found to be sufficient shall suspend the operation of the ordinance in question pending repeal by the City Council or final determination by the voters of the City in the referendum election.

Sec. 2-406 AMENDMENT, REPEAL AND REENACTMENT.

- A. An ordinance adopted by the voters through initiative proceeding may not be amended or repealed by the City Council for a period of twelve (12) months after the date of the election at which it was adopted.
- B. An ordinance nullified by the voters through referendum proceedings may not be reenacted by the City Council for a period of twelve (12) months after the election at which it was defeated.

Sec. 2-407 SUBMISSION BY COUNCIL.

The City Council may, on the passage of its own motion by a two-thirds (2/3) majority of members elect, submit any proposed ordinance or any proposal for the repeal or amendment of any ordinance to the voters in the manner and with the effect in this Charter for submission of proposals initiated by petition.

Sec. 2-408 DETERMINING RESULT OF ELECTION.

- A. Except as otherwise required by law, the result of any initiative or referendum election shall be determined by a majority of the voters voting on the question.
- B. If two or more initiative or referendum measures submitted to the voters of the City have conflicting provisions, or attempt to accomplish the same object, and more than one of these measures is approved by the voters, the measure receiving the highest number of affirmative votes shall prevail to the extent of their inconsistency.

Sec. 2-409 SPECIAL ELECTIONS.

- A. Special City elections shall be held when called by resolution of the City Council at least forty-nine (49) days in advance of such election, or when required by State

law. Any resolution calling a special election shall set forth the purpose of such election.

- B. Where this Charter requires that a vacancy in the office of Mayor or Council member be filled by special election, the special primary election to nominate candidates and the special general election to fill the office shall be called by a resolution of the City Council adopted at least sixty (60) days before the special primary election and at least ninety (90) days before the special general election. The special primary election shall be held at least twenty-five (25) days before the special general election.

Sec. 2-410 VACANCY IN THE OFFICE OF COUNCIL MEMBER.

Whenever a vacancy occurs on the City Council, the remainder of the unexpired term shall be filled as follows:

- A. If twelve (12) months or less remains in any unexpired term, the City Council shall within thirty (30) days appoint a person having the same qualifications for such office to fill the remainder of the term.
- B. If more than twelve (12) months remain in any unexpired term, the City Council shall:
 - 1. Within thirty (30) days appoint a person having the same qualifications for such office; and
 - 2. Schedule a special election as soon as possible.

The person appointed by the City Council shall serve until the special election is held and a candidate certified as elected.

C. TEMPORARY VACANCY IN THE OFFICE OF COUNCIL MEMBER

WHEN A COUNCIL MEMBER IS UNABLE TO PERFORM THE DUTIES OF THEIR OFFICE THE COUNCIL MEMBER MAY REQUEST OF CITY COUNCIL TO BE EXCUSED FROM DUTIES FOR A PERIOD NOT TO EXCEED FORTY-FIVE (45) CONSECUTIVE, CALENDAR DAYS AND THE CITY COUNCIL SHALL VOTE TO EXCUSE OR NOT TO EXCUSE. IF THE COUNCIL MEMBER DOES NOT REQUEST TO BE EXCUSED AND THE COUNCIL MEMBER DOES NOT PERFORM THE DUTIES OF THEIR OFFICE FOR FORTY-FIVE (45) CONSECUTIVE, CALENDAR DAYS OR IF THE CITY COUNCIL VOTES NOT TO EXCUSE THE COUNCIL MEMBER OR IF THE COUNCIL MEMBER DOES NOT RESUME THEIR DUTIES AT THE END OF THE EXCUSED ABSENCE THEN UPON PUBLIC NOTICE AND HEARING

THE CITY COUNCIL SHALL VOTE ON WHETHER OR NOT TO DECLARE THE OFFICE VACANT.¹⁵

Sec. 2-411 VACANCY IN THE OFFICE OF MAYOR.

Whenever a vacancy occurs in the office of the Mayor, the remainder of the unexpired term, **UNTIL THE NEXT ELECTION¹⁶** shall be filled as follows:

- A. If one year or less remains in the unexpired term **CITY COUNCIL SHALL APPOINT AN INTERIM MAYOR.**, ~~the Council shall within thirty (30) days appoint a person having the qualifications for such office to serve as Acting Mayor during the remainder of the unexpired term.¹⁷~~

1. THE INTERIM MAYOR APPOINTMENT SHALL BE MADE ACCORDING TO THE FOLLOWING ORDER OF SUCCESSION:

a. ~~THE CITY COUNCIL PRESIDENT~~ IF THE CITY ADMINISTRATOR HAS BEEN A REGISTERED ELECTOR OF THE CITY FOR AT LEAST 365 DAYS, THE CITY ADMINISTRATOR SHALL SUCCEED TO THE OFFICE OF MAYOR.

b. ~~IF THE CITY ADMINISTRATOR COUNCIL PRESIDENT~~ DECLINES OR IS UNABLE TO SUCCEED TO THE OFFICE, ~~THE VICE PRESIDENT OF CITY COUNCIL~~ SHALL SUCCEED TO THE OFFICE OF MAYOR THAN THE COUNCIL SHALL APPOINT AN ELECTOR OF THE CITY OF FLINT TO SUCCEED TO THE VACANCY IN THE OFFICE OF MAYOR

c. ~~IF THE PRESIDENT AND VICE PRESIDENT DECINED OR IS UNABLE TO SUCCEED TO THE OFFICE, THEN THE COUNCIL MEMBER WITH THE LONGEST CONTINUING SERVICE SHALL SUCCEED TO THE OFFICE OF MAYOR~~

d. ~~IF THE LONGEST SERVING COUNCIL MEMBER IS UNABLE OR DECLINES TO SERVE THEN THE NEXT LONGEST SERVING COUNCIL MEMBER SHALL SUCCEED TO THE OFFICE OF MAYOR~~

¹⁵ Amended in Committee of the Whole 8/9/2016

¹⁶ Amended in Committee of the Whole 8/9/2016

¹⁷ Amended in Committee of the Whole 8/9/2016

~~e. AND THE SUCCESSION TO THE OFFICE OF MAYOR SHALL BE IN LIKE MANNER OF THE BALANCE OF THE COUNCIL MEMBERS IN ORDER BEGINNING WITH THE LONGEST CONTINUING SERVING COUNCIL MEMBER~~

~~f. IF NEITHER THE PRESIDENT NOR THE VICE-PRESIDENT OF CITY COUNCIL OR ANY OTHER CITY COUNCIL MEMBER IS ABLE OR WILLING TO SUCCEED TO THE OFFICE OF MAYOR THAN THE COUNCIL SHALL APPOINT AN ELECTOR OF THE CITY OF FLINT TO SUCCEED TO THE VACANCY IN THE OFFICE OF MAYOR~~

~~g. IF THE VACANCY OCCURS IN THE OFFICE OF MAYOR, THE FIRST ORDER OF BUSINESS OF THE FIRST CITY COUNCIL MEETING AFTER THE SUCCEEDING MAYOR HAS BEEN SWORN IN SHALL BE TO FILL ANY COUNCIL VACANCY CREATED AS PROVIDED FOR IN SECTION 2-410 (A) OR SECTION 2-410 (B) OF THIS CHARTER¹⁸~~

2. The ~~Acting~~ **INTERIM**¹⁹ Mayor shall possess all the powers of the Mayor as provided in this Charter, except the power to remove Mayoral appointees. The power to remove appointees of the Mayor may not be exercised without the concurrence of the City Council.
3. The ~~Acting~~ **INTERIM**²⁰ Mayor shall receive the same compensation as provided for the office of Mayor.

B. If more than one year remains in the unexpired term, the City Council shall either:

1. Within ten (10) days call a special primary election to be held ~~within ninety (90) days~~ **AS SOON AS POSSIBLE** thereafter to fill such a vacancy. ~~A general election shall be called not less than forty nine (49) nor more than sixty (60) days after the date of the primary election,~~²¹ or
2. Call primary and general elections to be concurrent with the next State primary and general November election if such vacancy occurs within one year prior to said State general November election.

¹⁸ Amended in Committee of the Whole 8/9/2016 or 2/28/2017

¹⁹ Amended in Committee of the Whole 8/9/2016

²⁰ Amended in Committee of the Whole 8/9/2016

²¹ Amended in Committee of the Whole 8/9/2016

3. **Until a successor is elected, the vacancy shall be filled in the same manner as described in Section 2-411 (A)(1)²²**

C. TEMPORARY VACANCY IN THE OFFICE OF MAYOR

1. **WHENEVER THE MAYOR IS UNABLE TO PERFORM THE DUTIES OF THE OFFICE OR IS ABSENT FROM THE OFFICE FOR A PERIOD OF FOURTY-FIVE CONSECUTIVE DAYS THE CITY COUNCIL, BY A VOTE OF TWO-THIRDS OF THE MEMBERS SERVING, MAY DECLARE A TEMPORARY VACANCY IN THE OFFICE OF MAYOR AND APPOINT A TEMPORARY MAYOR IN THE SAME MANNER AS DESCRIBED IN SECTION 2-411 (A)(1).**
2. **WHEN THE TEMPORARY MAYOR IS A SERVING CITY COUNCIL MEMBER, THE COUNCIL MEMBER WILL TEMPORARILY RELINQUISH THEIR COUNCIL POSITION FOR THE LENGTH OF TIME THEY SERVE AS THE TEMPORARY MAYOR AND UPON THE RETURN OF THE MAYOR SHALL RETURN TO THEIR COUNCIL MEMBER POSITION.**
3. **THE TEMPORARY MAYOR SHALL POSSESS ALL THE POWERS OF THE MAYOR AS PROVIDED IN THE CHARTER, EXCEPT THE POWER TO REMOVE MAYORAL APPOINTEES; HOWEVER, THE APPOINTEES MAY BE REMOVED BY THE TEMPORARY MAYOR UPON CONCURRENCE OF TWO-THIRDS OF CITY COUNCIL.**
4. **THE TEMPORARY MAYOR SHALL RECEIVE THE SAME COMPENSATION AS PROVIDED FOR THE OFFICE OF MAYOR.**
5. ~~Until such time as the Acting Mayor is appointed pursuant to paragraph A above, or until a Mayor is elected pursuant to paragraph B above, the City Administrator shall serve as Temporary Mayor. The City Administrator shall possess all the powers of the Mayor as provided in this Charter, except the power to remove Mayor appointees and the power of veto. Appointees of the Mayor may not be removed by the City Administrator serving in the capacity of Temporary Mayor without the concurrence of the City Council.²³~~

Sec. 2-412 RECALL ELECTIONS.

Any elected official may be recalled from office by the electors of his or her electoral district in the manner provided by State law. A vacancy created by such recall shall be filled in the manner prescribed by this Charter and by State law.

²² Amended in Committee of the Whole 3/2/2017

²³ Amended in Committee of the Whole 8/9/2016