

## **CHAPTER III. ELECTIONS**

### **ELECTORS**

*Section 3.1* The residents of the City having the qualifications of electors in the State of Michigan shall be electors of the City.

### **ELECTION OF OFFICERS**

*Section 3.2* The election of all City officers shall be on a nonpartisan basis. The general election laws shall apply to and control, as near as possible, all procedures relating to registration and city elections except as such laws relate to political parties or partisan procedure and except as otherwise provided in this charter.

### **WARDS AND PRECINCTS**

*Section 3.3* The City of Ferrysburg shall consist of one (1) ward. The City Council shall by ordinance establish convenient election precincts.

### **PRIMARY ELECTIONS**

*Section 3.4* A primary city election shall be held on the date provided by statute for the holding of the general fall primary election. If upon the expiration of the date for filing nominating petitions for any elective office, valid petitions have been filed for no more than twice the number of candidates for such office or offices to be elected at the following regular city election, then no primary election shall be held with respect to such office or offices. Candidates, equal in number to twice the number of persons to be elected to each office or offices at the next subsequent regular city election, who receive the highest number of votes at any such primary election shall be declared to be the nominees for the election to the respective offices for which they are candidates. The names of such candidates, together with the names of candidates who filed valid nominating petitions for any office or offices for which no primary election was held, shall be certified by the City Clerk to the election commission as nominees for the next regular city election.

***Statutory reference:***

*Odd Year Election Law, see Public Act 239 of 1970, being M.C.L.A. §§ 168.644a et seq.*

### **REGULAR CITY ELECTIONS**

*Section 3.5* The regular city election shall be held on the date provided by law for the holding of the general fall election.

***Statutory reference:***

*Odd Year Election Law, see Public Act 239 of 1970, being M.C.L.A. §§ 168.644a et seq.*

### **ELECTION COMMISSION**

*Section 3.6* The election commission shall consist of the City Clerk and two electors of the City who shall be appointed by the City Council, not less than 30 days prior to the city primary election, and shall serve at the pleasure of the City Council. All members shall serve without compensation. The City Clerk shall act as chairman of such commission.

No member of the election commission, other than the City Clerk, shall be a city officer or employee or be a nominee or candidate for any elective office. The City Clerk, except as otherwise required by law, is hereby authorized to appoint the Board of Election Inspectors for each precinct and to perform such functions and duties as are required by law and this charter

relating to the conduct of city elections.

## **NOMINATION PETITIONS**

*Section 3.7* The method of nomination for all candidates for city elections shall be by petition. Such petition for each candidate shall be signed by not less than 15 nor more than 30 registered electors of the City. No elector shall sign the petition of more than one person who is a candidate for the same elective office of the City.

Nominating petitions shall be filed with the City Clerk.

The City Clerk shall, prior to every city primary election, publish notice of the last day permitted for filing nominating petitions and of the number of persons to be nominated or elected to each office or offices at least one week and not more than three weeks before such day.

### ***Editor's Note:***

*M.C.L.A. § 168.551 provides for the filing of nominating petitions by candidates for city offices with the City Clerk up to four o'clock (4:00) p.m. Eastern Standard Time of the twelfth Tuesday preceding the August Primary.*

## **PETITION FORM**

*Section 3.8* The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the City Clerk.

## **NOMINATING PETITIONS - PROCEDURE**

*Section 3.9* The City Clerk shall accept only nomination petitions which conform with Section 3.8 of this charter and which contain the required number of valid signatures for candidates having the qualifications required for elective city offices by this charter. All petitions shall be accompanied by the affidavit of qualifications provided for in Section 4.4. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate. Where the signature of any individual appears on more petitions than he is so permitted to sign, such signatures shall be counted only to the extent he is permitted to sign in the order of the respective dates and hour of filing the petition containing such signatures. But where it is impossible for the City Clerk to determine with certainty which petition has been filed first, the signature on both shall be void. The City Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this Section, but the failure to so notify any candidate shall not prevent a final determination that the petition does not meet such requirements. Within three days after the last date for filing petitions, the City Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and write his determination thereof on the face of the petition. No petition shall be determined to be valid unless the affidavit of qualifications provided for in Section 4.4 shall be filed with such petition.

The City Clerk shall immediately notify in writing the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient shall be delivered by personal messenger if possible. In the absence of bad faith on the part of the candidate, any candidate whose petition is found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 p.m. at the then prevailing local time on the fifth day after the last date for filing original petitions; thereafter no further petitions may be filed.

## **PUBLIC INSPECTION**

*Section 3.10* All nomination petitions shall be open to public inspection in the office of the City Clerk.

## **BALLOT FORM**

*Section 3.11* The form, printing and numbering of ballots or the preparation of the voting machines used in any city election shall conform as nearly as possible to the provisions of statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

If two or more candidates or nominees for the same office have the same or similar surnames, the Election Commission shall print the occupation and residence address under the respective names of each of such candidates or nominees on the ballots (or on labels or slips to be placed on voting machines when used), provided that for any of such candidates who is an incumbent of such office, the occupation shall be designated as "Incumbent".

Except as provided in this Section there shall be no supplementary identification of candidates or nominees on the ballot.

## **BOARD OF CANVASSERS**

*Section 3.12* The members of the City Council shall be the board of canvassers to publicly canvass the votes of all city elections. The board of canvassers shall convene not later than the second business day following each city election and determine the results of the city election upon each question and proposition voted upon and what persons are duly nominated or elected to the several offices respectively at said election, and shall notify in writing the successful candidates or nominees of their nomination or election. The City Clerk shall make under the corporate seal of the city duplicate certificates of the determinations of the board and shall file one certificate with the County Clerk and the other in his own office, and shall report the same to the City Council.

### ***Editor's note:***

*The duties of the Board of Canvassers is transferred to the Board of County Canvassers, see M.C.L.A. § 168.24a*

## **TIE VOTES**

*Section 3.13* If, at any city election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the City Council 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.

## **RECOUNT**

*Section 3.14* A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with election statutes. Unless otherwise required by statute:

*3.14:1* The petition for a request for a recount of the votes cast at any city election shall be filed with the City Clerk by 5:00 p.m. on the second full day on which the City Clerk's office is open for business after the board of canvassers has made its official report of the result of the election at which such votes were cast.

3.14:2 Any counter petition shall be filed by 5:00 p.m. of the next full day thereafter on which the City Clerk's office is open for business.

3.14:3 No officer shall be qualified to take office until final determination of any recount of the votes cast for such office.

***Statutory reference:***

*Michigan Election Law, Chapter XXXIII, M.C.L.A. §§ 168.861 - 168.894*

**RECALL**

*Section 3.15* Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this charter.