

**CITY COUNCIL
CITY OF IONIA
IONIA COUNTY, MICHIGAN**

Council Member Starr, seconded by Council Member Milewski moved adoption of the following resolution:

RESOLUTION NO. 2023-11

**A RESOLUTION TO APPROVE AND SUBMIT
THE QUESTION OF WHETHER TO AMEND SECTIONS 6.01 AND 6.02 OF THE
CITY OF IONIA CHARTER TO MAKE CITY ELECTIVE OFFICES NONPARTISAN**

WHEREAS, Act No. 279 of the Public Acts of 1909, as amended (“Act 279”) provides that a home rule city may amend its charter in accordance with the provisions of Act 279; and

WHEREAS, the City Council has undertaken a review of certain elective officers, practices, and procedures; and

WHEREAS, following such review, the City Council believes it desirable to seek voter approval to make nonpartisan, the election of officers in the City; and

WHEREAS, the City Council believes that reducing partisanship in local City elections may increase the number of people willing to participate in City government and better reflect the local nature of City elections; and

WHEREAS, the City Council believes that it is in the best interest of the City to amend the City Charter to make all elective offices in the City nonpartisan beginning with the even-numbered year election in 2026; and

WHEREAS, Section 21 of Act 279 requires that the form in which the proposed amendment to the City Charter shall appear on the ballot be determined by resolution of the legislative body.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The City Council, by not less than a 3/5 vote of its members, proposes that Sections 6.01 and 6.02 of the City Charter be amended to read, respectively, as follows:

Section 6.01. Regular and Special Elections.

(a) A regular City election shall be conducted on the first Tuesday after the first Monday of November in each even-numbered year. The registration of voters, the preparation of ballots or machines, and the conduct of elections in the City of Ionia shall be in accordance with this Charter and the State election laws and shall be under the general supervision of the City Clerk. Special elections, but not more than two in any one year unless otherwise authorized by law, shall be held when called by resolution of the City Council, or when required by this Charter or general law.

[Pursuant to MCL 168.642a and City Council Resolution No. 2023-07, beginning in 2026 the City will hold its regular City election on the first Tuesday after the first Monday in November of even-numbered years.]

(b) The election of all city officers shall be on a nonpartisan basis. The general election laws of the state shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such general laws relate to political parties or partisan procedure and except as otherwise provided in this Charter.

Section 6.02. Nominations and Petitions.

(a) The method of nomination for all candidates for city elections shall be by petition. Petitions for each candidate shall be signed by at least 25 registered electors of the city. No person shall sign more than one petition for any one office. Where the signature of any individual appears on more petitions than he or she is permitted to sign, the signatures bearing the most recent date shall be invalidated. Nominating petitions shall be filed with the city clerk.

(b) The city clerk shall publish notice of the last day permitted for filing nominating petitions and of the number of persons to be elected to each office in the manner and time provided by law.

(c) The form of petition shall be substantially as that required by law for the nomination of nonpartisan officers. The clerk shall maintain and provide a supply of petition forms.

(d) The city clerk shall accept only nominating petitions that conform with the forms maintained by the city and that considered together, contain the required number of valid signatures for candidates having those qualifications required by this Charter for the respective elective city offices. When a petition is filed by a person other than the person whose name appears as the candidate, it shall only be accepted if accompanied by the written consent of the candidate. The clerk shall notify, in writing, any candidate whose petition does not meet Charter requirements. A failure to notify any candidate shall not preclude a final determination that the petition does not meet these requirements.

(e) Within three days after the last date for filing petitions, the clerk shall determine the sufficiency and propriety of each nominating petition and whether the candidate has the qualifications required for the respective elective city office and shall write his or her determinations on the face of the petition and notify, in writing, the candidate of his or her determination.

(f) The names of candidates for the respective elective city offices who file sufficient and proper nominating petitions shall be certified by the clerk to be placed upon the ballot for the regular city election.

(g) After the filing of a nominating petition for city office, a candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the clerk, not later than 4:00 p.m. of the third business day after the last day for filing petitions.

(h) All nominating petitions filed with the clerk shall be open to public inspection during regular business hours.

2. Existing provisions of the City Charter that would be altered or abrogated by such proposal, if adopted, now read as follows:

Section 6.01. Regular and Special Elections; Party Candidates.

(a) A regular City election shall be conducted on the first Tuesday after the first Monday of November in each odd numbered year. The registration of voters, the preparation of ballots or machines, and the conduct of elections in the City of Ionia shall be in accordance with this Charter and the State election laws and shall be under the general supervision of the City Clerk. Special elections, but not more than two in any one year unless otherwise authorized by law, shall be held when called by resolution of the City Council, or when required by this Charter or general law.

(b) Political parties will file a slate of candidates with the City Clerk by 4:00 p.m. on the first Tuesday after the first Monday in August of odd numbered years.

(c) Party candidates will be selected at a convention held on the first Monday of August, under rules adopted by the parties in accordance with State statute and due process of law.

Section 6.02. Candidates Without Political Party Affiliation.

(a) Qualifying Petition; Filing; Filing Fee in Lieu of Petition Prohibited; Qualifications.

(1) For the purpose of this article, "qualifying petition" means a nominating petition required of and filed by a person to qualify to appear on an election ballot as a candidate for office without political party affiliation.

(2) A person may file a qualifying petition for a partisan office. A filing fee shall not be tendered instead of a qualifying petition.

(3) A person filing a qualifying petition shall meet the qualifications prescribed by law to hold the office.

(b) Qualifying Petition; Form, Size and Contents; Circulation.

(1) The form, size and contents of a qualifying petition shall be prescribed by the City Clerk and in substantially the same form as provided in M.C.L.A. 168.590h.

(2) A qualifying petition for a Citywide office may be circulated on a Citywide basis.

(3) A qualifying petition for the office of a Council member will be circulated in the ward for which such candidate's name will be placed on the ballot.

(c) Qualifying Petition; Signatures; Time.

(1) Subject to the requirements prescribed in subsections 6.02 (b)(2) and (3) a qualifying petition for an office shall be signed by a number of qualified and registered electors of the district that is represented by the office being sought by the candidate equal to not less than 2% of the total number of votes cast for all candidates for that office at the last election in which that office was elected. In any case, at least 25 signatures shall be submitted.

(2) All signatures on a qualifying petition shall be obtained not more than 180 days immediately before the date of filing under subsection 6.02 (d)

(3) As part of the minimum number of required signatures under this section, a qualifying petition for a Citywide office will not have more than 50% of the required number of signatures from any one ward.

(d) Qualifying Petition; Filing; Time; Filing Notice of Withdrawal.

(1) A qualifying petition for an office will be filed with the City Clerk.

(2) A qualifying petition for an office elected at the general November election shall be filed not later than 4:00 p.m. on the first Monday of August of odd numbered years. A qualifying petition for an official elected at an election other than the general November election shall be filed not later than the deadline established by statute for filing a partisan petition or certificate of nomination for the office or at least 90 days before that election, whichever is later. [NOTE: The Charter language pertaining to filing nominating petitions for the regular city election is superseded by Michigan Election Law MCL 168.644e as amended under PA 44 of 2010 and PA 276 of 2012. The candidate nomination petition filing deadline is 4:00 p.m., 15th Tuesday prior to odd-year November election.]

(3) A candidate who files a qualifying petition shall not be permitted to withdraw his or her candidacy unless a written notice of withdrawal is filed with the City Clerk. The notice shall be filed not later than 4:00 p.m. of the third day after the last day for filing a qualifying petition.

(e) Providing Blank Qualifying Petition Forms. Upon request, the City Clerk shall provide blank qualifying petition forms to a person who wishes to appear as a candidate on a ballot in the Clerk's jurisdiction as a candidate without political party affiliation. The City Clerk is the only officer required to supply qualifying petition forms for circulation.

(f) Applicability of Certain Provisions; Canvass; Hearing; Certification.

(1) The City Clerk shall canvass a qualifying petition filed with the City Clerk and shall make an official declaration of the sufficiency or insufficiency of the qualifying petition at least 60 days before the election.

(2) A filing officer who receives a qualifying petition from a candidate who has met the requirements of this Charter shall certify to the proper board or boards of election commissioners the candidate's name, post office address, and office sought not later than 60 days before the election.

(g) Person Filing Qualifying Petition; Restrictions; Selecting Single Office to Which Candidacy Restricted; Failure to Make Selection.

(1) A person who files a qualifying petition shall not file a filing fee, and shall not be nominated as a candidate by a political party convention, caucus or committee for an office to be elected at the election for which the person has filed a qualifying petition.

(2) A person who files a qualifying petition for more than one office which offices are incompatible and the terms of which offices run concurrently or overlap shall select the one office to which his or her candidacy is restricted not later than 4:00 p.m. of the third day after the last day for filing a qualifying petition. Failure to make this selection disqualifies the person as a candidate for the offices for which qualifying petitions were filed and the petitions shall not be canvassed.

3. If adopted, the proposed changes would be as follows:

Section 6.01. Regular and Special Elections; ~~Party Candidates.~~

(a) A regular City election shall be conducted on the first Tuesday after the first Monday of November in each ~~odd~~-even-numbered year. The registration of voters, the preparation of ballots or machines, and the conduct of elections in the City of Ionia shall be in accordance with this Charter and the State election laws and shall be under the general supervision of the City Clerk. Special elections, but not more than two in any one year unless otherwise authorized by law, shall be held when called by resolution of the City Council, or when required by this Charter or general

law. [Pursuant to MCL 168.642a and City Council Resolution No. 2023-07, beginning in 2026 the City will hold its regular City election on the first Tuesday after the first Monday in November of even-numbered years.]

(b) The election of all city officers shall be on a nonpartisan basis. The general election laws of the state shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such general laws relate to political parties or partisan procedure and except as otherwise provided in this Charter.

~~—(b) Political parties will file a slate of candidates with the City Clerk by 4:00 p.m. on the first Tuesday after the first Monday in August of odd numbered years.~~

~~—(c) Party candidates will be selected at a convention held on the first Monday of August, under rules adopted by the parties in accordance with State statute and due process of law.~~

Section 6.02. Candidates Without Political Party Affiliation. Nominations and Petitions.

(a) The method of nomination for all candidates for city elections shall be by petition. Petitions for each candidate shall be signed by at least 25 registered electors of the city. No person shall sign more than one petition for any one office. Where the signature of any individual appears on more petitions than he or she is permitted to sign, the signatures bearing the most recent date shall be invalidated. Nominating petitions shall be filed with the city clerk.

~~—(a) Qualifying Petition; Filing; Filing Fee in Lieu of Petition Prohibited; Qualifications.~~

~~—(1) For the purpose of this article, "qualifying petition" means a nominating petition required of and filed by a person to qualify to appear on an election ballot as a candidate for office without political party affiliation.~~

~~—(2) A person may file a qualifying petition for a partisan office. A filing fee shall not be tendered instead of a qualifying petition.~~

~~—(3) A person filing a qualifying petition shall meet the qualifications prescribed by law to hold the office.~~

~~—(b) Qualifying Petition; Form, Size and Contents; Circulation.~~

~~—(1) The form, size and contents of a qualifying petition shall be prescribed by the City Clerk and in substantially the same form as provided in M.C.L.A. 168.590h.~~

(b) The city clerk shall publish notice of the last day permitted for filing nominating petitions and of the number of persons to be elected to each office in the manner and time provided by law.

(c) The form of petition shall be substantially as that required by law for the nomination of nonpartisan officers. The clerk shall maintain and provide a supply of petition forms.

(d) The city clerk shall accept only nominating petitions that conform with the forms maintained by the city and that considered together, contain the required number of valid signatures for candidates having those qualifications required by this Charter for the respective elective city offices. When a petition is filed by a person other than the person whose name appears as the candidate, it shall only be accepted if accompanied by the written consent of the candidate. The clerk shall notify, in writing, any candidate whose petition does not meet Charter

requirements. A failure to notify any candidate shall not preclude a final determination that the petition does not meet these requirements.

(e) Within three days after the last date for filing petitions, the clerk shall determine the sufficiency and propriety of each nominating petition and whether the candidate has the qualifications required for the respective elective city office and shall write his or her determinations on the face of the petition and notify, in writing, the candidate of his or her determination.

(f) The names of candidates for the respective elective city offices who file sufficient and proper nominating petitions shall be certified by the clerk to be placed upon the ballot for the regular city election.

~~— (2) A qualifying petition for a Citywide office may be circulated on a Citywide basis.~~

~~— (3) A qualifying petition for the office of a Council member will be circulated in the ward for which such candidate's name will be placed on the ballot.~~

~~— (e) Qualifying Petition; Signatures; Time:~~

~~— (1) Subject to the requirements prescribed in subsections 6.02 (b)(2) and (3) a qualifying petition for an office shall be signed by a number of qualified and registered electors of the district that is represented by the office being sought by the candidate equal to not less than 2% of the total number of votes cast for all candidates for that office at the last election in which that office was elected. In any case, at least 25 signatures shall be submitted.~~

~~— (2) All signatures on a qualifying petition shall be obtained not more than 180 days immediately before the date of filing under subsection 6.02 (d)~~

~~— (3) As part of the minimum number of required signatures under this section, a qualifying petition for a Citywide office will not have more than 50% of the required number of signatures from any one ward.~~

~~— (d) Qualifying Petition; Filing; Time; Filing Notice of Withdrawal.~~

~~— (1) A qualifying petition for an office will be filed with the City Clerk.~~

~~— (2) A qualifying petition for an office elected at the general November election shall be filed not later than 4:00 p.m. on the first Monday of August of odd numbered years. A qualifying petition for an official elected at an election other than the general November election shall be filed not later than the deadline established by statute for filing a partisan petition or certificate of nomination for the office or at least 90 days before that election, whichever is later. [NOTE: The Charter language pertaining to filing nominating petitions for the regular city election is superseded by Michigan Election Law MCL 168.644e as amended under PA 44 of 2010 and PA 276 of 2012. The candidate nomination petition filing deadline is 4:00 p.m., 15th Tuesday prior to odd year November election.]~~

~~— (3) A candidate who files a qualifying petition (g) After the filing of a nominating petition for city office, a candidate shall not be permitted to withdraw his or her candidacy unless a written notice of withdrawal is filed with the City Clerk. The notice shall be filed served on the clerk, not later than 4:00 p.m. of the third business day after the last day for filing a qualifying petition-petitions.~~

(h) All nominating petitions filed with the clerk shall be open to public inspection during regular business hours.

~~—(e) Providing Blank Qualifying Petition Forms. Upon request, the City Clerk shall provide blank qualifying petition forms to a person who wishes to appear as a candidate on a ballot in the Clerk's jurisdiction as a candidate without political party affiliation. The City Clerk is the only officer required to supply qualifying petition forms for circulation.~~

~~—(f) Applicability of Certain Provisions; Canvass; Hearing; Certification.~~

~~—(1) The City Clerk shall canvass a qualifying petition filed with the City Clerk and shall make an official declaration of the sufficiency or insufficiency of the qualifying petition at least 60 days before the election.~~

~~—(2) A filing officer who receives a qualifying petition from a candidate who has met the requirements of this Charter shall certify to the proper board or boards of election commissioners the candidate's name, post office address, and office sought not later than 60 days before the election.~~

~~—(g) Person Filing Qualifying Petition; Restrictions; Selecting Single Office to Which Candidacy Restricted; Failure to Make Selection.~~

~~—(1) A person who files a qualifying petition shall not file a filing fee, and shall not be nominated as a candidate by a political party convention, caucus or committee for an office to be elected at the election for which the person has filed a qualifying petition.~~

~~—(2) A person who files a qualifying petition for more than one office which offices are incompatible and the terms of which offices run concurrently or overlap shall select the one office to which his or her candidacy is restricted not later than 4:00 p.m. of the third day after the last day for filing a qualifying petition. Failure to make this selection disqualifies the person as a candidate for the offices for which qualifying petitions were filed and the petitions shall not be canvassed.~~

4. The City Attorney shall submit a certified copy of this resolution to the Governor of the State of Michigan for approval or disapproval of this amendment, and to the Attorney General, for review and approval of the ballot language, and is further authorized to make non-substantive changes to the proposed ballot language to meet all legal requirements.

5. The foregoing charter amendment shall be submitted to the electors for their adoption or rejection at a regular election to be held on November 7, 2023. The City Clerk and City Attorney are authorized to take all actions necessary to format the ballot proposal in a manner consistent with the Governor and Attorney General's review and to schedule and conduct the election including, without limitation, certifying the ballot proposal in accordance with state law.

6. The City Clerk shall give notice of such election as required by law. The notice shall include the proposed amendment to the City Charter in full with the existing Charter provisions that would be altered or abrogated. The Clerk shall also post the amendment as required by law.

7. The proposed Charter amendment shall be placed upon the ballot in the following form, with a provision for voting "yes" or "no" for its adoption:

CHARTER AMENDMENT PROPOSAL TO DESIGNATE ALL ELECTIVE CITY OFFICES AS NONPARTISAN.

Shall Sections 6.01 and 6.02 of the City of Ionia Charter be amended to provide that all elective offices for the City shall be nonpartisan beginning with the regular

City election in November 2026?

8. All resolutions or parts of resolutions are, to the extent of any conflict with this Resolution, rescinded.

YEAS: Waterman, Millard, Starr, Lee, Milewski, and Balice.

NAYS: None.

ABSENT: Gustafson, Videtich, and Winters.

RESOLUTION NO. 2023-11 ADOPTED


Mary Patrick, City Clerk

I, Mary Patrick, the Clerk of the City of Ionia, hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council of the City of Ionia at a regular meeting held on June 7, 2023.


Mary Patrick, City Clerk