



CITY COUNCIL ACTION REPORT

DATE: February 16, 2015
TO: Brian Kischnick, City Manager
FROM: M. Aileen Dickson, City Clerk
SUBJECT: City Charter Clarification – Section 7.9 Nominations

Background

In 2012, Section 168.644e of Michigan Election Law was revised. This section of the law regulates the nomination of officers that are required to be elected at odd year general elections, including city offices. Specifically, Section 168.644e states: “Beginning January 1, 2014, if a charter provides for nomination by caucus or by filing a petition or affidavit directly for the general election, the candidate filing deadline or certification deadline shall be 4 p.m. on the fifteenth Tuesday before the odd year general election.”

Troy City Charter Section 7.9 – Nominations is currently in conflict with this newly revised section of Michigan Election Law. Section 7.9 – Nominations states: “Nomination petitions for candidates for elections are to be filed with the Clerk on or before 4 o’clock p.m. of the one hundredth (100th) day preceding the next election.” The new statute of fifteen Tuesdays equates to 105 days, making our current 100-day deadline a conflict.

In November, 2015, Troy voters will vote on the election of the Mayor, 3 Council Members and 1 partial-term Council Member. Nominating petitions, according to State law, are due July 21, 2015. In advance of this deadline, a notation should be placed in Section 7.9 – Nominations of the City Charter to clarify the filing deadline for City of Troy offices. When asked, the Michigan Secretary of State - Bureau of Elections made no recommendation or direction as to how to address this clarification in the Charter.

Financial Considerations

There are no financial considerations in regards to this item.

Legal Considerations

Placing a notation in Section 7.9 – Nominations of the City Charter will provide clarity for candidates filing for City offices.

Options

City Administration requests that City Council authorize a notation in Section 7.9 - Nominations of the Troy City Charter that states: "Beginning January 1, 2014, pursuant to Section 168.644e of Michigan Election Law, the candidate filing deadline for City of Troy offices shall be 4 p.m. on the fifteenth Tuesday prior to general election."

City Attorney's Review as to Form and Legality

Lori Grigg Bluhm, City Attorney