



# Rochester Hills

## Master Report

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**File Number: 2004-0434**

**File Number:** 2004-0434      **File Type:** Policy      **Status:** Held in Council  
**Version:** 3      **Reference:**      **Controlling Body:** City Council  
**Requester:**      **Cost:**      **Introduced:** 04/29/2004  
**File Name:** Elimination of the Primary Election      **Final Action:**

**Title:** Amendment to Ballot Language regarding Elimination of Primary Elections in the City of Rochester Hills

**Notes:** RES0251-2004 - Adopted to put the question on the Nov. '04 ballot.

**Code Sections:**

**Indexes:** Elections

**Sponsors:**

**Attachments:** Agenda Summary.pdf, Letter Staran 20040723.pdf, Report City Elections.pdf, Information from Farmington Hills.pdf, Information from Novi.pdf, Memo Jasinski to AIS 070804.pdf, AIS Resolution 071304.pdf, Minutes Excerpt Draft 050404.pdf, Minutes Excerpt Draft 060104.pdf, 0434 Resolution.pdf

**Agenda Date:**

**Agenda Number:**

**Enactment Date:**

**Enactment Number:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Administration and Information Services Committee	05/04/2004	Discussed				
1	Administration and Information Services Committee	06/01/2004	Discussed				
2	Administration and Information Services Committee	07/13/2004	Approved and Referred				Pass
			Aye:	Hill, Holder and Verschueren			
			Absent:	Dalton and Kirksey			
1	City Council	07/28/2004	Adopted by Resolution				Pass
	<b>Verbose Action:</b>	to place on the November 2004 ballot a request for voter approval to amend the City Charter to eliminate future City Primary Elections.					
			Aye:	Dalton, Barnett, Duistermars, Hill, Raschke and Robbins			
			Nay:	Holder			

## Text of Legislative File 2004-0434

### ..Title

Amendment to Ballot Language regarding Elimination of Primary Elections in the City of Rochester Hills

### ..Body

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Sections 9.8, Nomination Procedure, and 9.9, Primary Election, to eliminate references to and the requirement for a City Primary Election for Mayoral and City Council candidates.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 9.8, Nomination Procedure, and delete Charter Section 9.9, Primary Election, in its entirety.
2. Provisions of existing Section 9.8 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now reads as follows:

The candidates for elective office shall be nominated from the City by petitions on forms furnished by the Clerk, or such other forms as are allowed by the State Election Law. Each such petitions shall be signed by not less than fifty (50) nor more than seventy-five (75) registered electors of the City, and shall be filed at the Office of the Clerk before four in the afternoon (4:00 p.m.), Michigan time, on the twelfth Tuesday preceding the September primary in each odd-numbered year accomplished by an Affidavit of Identity as required by the State Election Law.

Electors signing any petition shall add their residential address and the date of signature. No electors shall sign petitions for more candidates for any office than the number to be elected to such office, and should they do so, the signature bearing the most recent date shall be invalidated. No petition shall be left for signatures in any public place. 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.

3. As amended, Section 9.8 of the City of Rochester Hills Charter would read as follows:

The candidates for elective office shall be nominated from the City by petitions on forms furnished by the Clerk, or such other forms as are allowed by the State Election Law. Each such petitions shall be signed by not less than fifty (50) nor ore than seventy-five (75) registered electors of the City, and shall be filed at the Office of the Clerk before four in the afternoon (4:00 p.m.),

Michigan time, on the twelfth Tuesday preceding the ~~September primary~~ **November regular election** in each odd-numbered year accomplished by an Affidavit of Identity as required by the State Election Law.

Electors signing any petition shall add their residential address and the date of signature. No electors shall sign petitions for more candidates for any office than the number to be elected to such office, and should they do so, the signature bearing the most recent date shall be invalidated. No petition shall be left for signatures in any public place. 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.

4. Provisions of existing Section 9.9 of the City of Rochester Hills Charter to be deleted if the proposed amendment is adopted now read as follows:

The City primary election shall be held on the Tuesday after the second Monday in September of each odd-numbered year. If there are not more than twice the number of candidates for each office to be filled as there are persons to be elected, the primary election shall not be held, and those persons filing valid petitions shall be declared the nominees.

5. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Section 9.8 and deleting Section 9.9. If adopted, there will be no Primary Election, and nominating petitions for elective office shall be due by the twelfth Tuesday preceding the November regular election.

6. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

7. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November \_\_, 2004, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

8. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED CITY CHARTER AMENDMENT TO  
ELIMINATE CITY PRIMARY ELECTION**

A proposal to amend the City Charter by modifying Section 9.8 and deleting Section 9.9. If adopted, there will be no Primary Election, and nominating petitions for elective office shall be due by the twelfth Tuesday preceding the November regular election.

Shall the City of Rochester Hills Charter be amended to modify Section 9.8 and delete Section 9.9 to eliminate the Primary Election, and provide that nominating petitions for elective office shall be filed at the City Clerk's Office by 4:00 p.m. on the twelfth Tuesday preceding the November regular election?

YES      NO

9. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

10. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

11. Through the adoption of this Resolution, the City Council hereby rescinds and replaces previously adopted Resolution no. RES 0251-2004 adopted on July 28, 2004.