

REVISED ORDINANCE NUMBER 38

A REVISED ORDINANCE TO PROVIDE FOR ALL CITY ELECTIONS, PRIMARIES AND NOMINATIONS AND TO EXTEND THE TERMS OF OFFICE OF ELECTED CITY OFFICERS IN AND FOR THE CITY OF CARSON CITY.

THE CITY OF CARSON CITY ORDAINS:

CHAPTER 38.1

AUTHORITY AND PURPOSE

38.101 **AUTHORITY FOR CREATION.** Pursuant to MCL 117.3b; MCL 168 to 198.992 and Chapter 3 of the City Charter of the City of Carson City in regards to the conducting of elections within the City of Carson City.

38.102 **PURPOSE.** The purpose of this Revised Ordinance shall be to revise and update that Ordinance governing the holding of elections within the City of Carson City that took effect on February 26, 1971 after adoption on February 16, 1971.

CHAPTER 38.2

METHOD OF NOMINATION AND ELECTIONS UNDER THE CITY CHARTER

38.201 Elections pursuant to the City Charter of the City of Carson City for the election of Mayor and City Council are held on the first Tuesday following the first Monday in November for every odd year after November 1971 and on the first Tuesday following the first Monday of November of every odd numbered year thereafter.

38.202 Non-partisan primary elections are held on the first Tuesday following the first Monday in August of 1971 and on the first Tuesday following the first Monday in August of every odd numbered year thereafter.

38.203 The method of nomination for all candidates for the City election shall be by petition, as required by Section 3.8 of the City Charter, except that nominating petitions for offices to be filed at the general election shall be filed by four o'clock in the afternoon (4:00 p.m.) on the seventh Tuesday prior to the primary election.

38.204 Any person whose term would expire prior to January 1, 1972 under the City Charter shall continue in office until a successor takes office in accordance with this Ordinance; and any person whose term would expire after January 1, 1972 and before January 1, 1974 under the City Charter shall continue in office until a successor takes office pursuant to this Ordinance.

38.205 The terms of office of mayor and councilmen elected at any regular City election provided for herein are four (4) years or until their successors are elected and qualify.

38.206 All persons elected shall take office at twelve o'clock noon (12:00 p.m.) on January 1, following the regular City election at which they were elected.

38.207 In addition to the Mayor, at each regular City election there shall be elected three (3) councilmen and such additional number as may be required to fill vacancies pursuant to Section 5.6(c) of the City Charter. The three receiving the highest number of votes shall be elected for a term of four (4) years; a number equal to the number of vacancies being filled, if any, who receive the next highest number of votes in order shall be elected for the respective unexpired terms.

CHAPTER 38.3

IMPLEMENTING TERMS FOR ELECTION PURSUANT TO STATE ELECTION LAW

38.301 Pursuant to the provisions of MCL 117.3b(3) that provides and notwithstanding any charter provision, the City may provide election provisions that are consistent with the Michigan election law under 1954 PA 116, MCL 168.1 to 168.992, which can and shall supersede the present odd year election procedure.

38.302 Notwithstanding any provision of the City Charter to the contrary and pursuant to the State of Michigan's election law in that the City Charter provides that "Nomination petitions shall be filed with the Comptroller between the thirty-fifth day preceding such election and 5:00 p.m. on the thirtieth day preceding the regular City primary election or any special election for the filling of vacancies in office".

38.303 Upon the adoption of this Revised Ordinance any and all nomination petition filing periods shall be consistent with the State of Michigan's election provisions.

38.304 The nomination petitions shall at all general elections be filed by 4:00 p.m. on the twelfth Tuesday prior to the primary election, with the City Comptroller.

CHAPTER 38.4

CONFLICTING ORDINANCES REPEALED

On the effective date of the adoption of this Ordinance, all other conflicting ordinances, resolutions or rules regarding compensation for the Mayor and City Council are hereby repealed, rescinded and superseded by the provisions of this Revised Ordinance.

CHAPTER 38.5
SEVERABILITY

If any chapter, section, subsection, paragraph, sentence, clause, phrase or portion of this Revised Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

CHAPTER 38.6
EFFECTIVE DATE

The Revised Ordinance to provide for all City Elections, shall be effective Thirty Days after publication in the Greenville Daily News and for those individuals elected in all City Elections this Revised Ordinance shall be effective at the next ensuing elections for the Mayor and remaining City Council Members.

CHAPTER 38.6
PUBLICATION

Pursuant to Section 7.4 of the Charter of the City of Carson City, this Revised Ordinance shall be published within fifteen days of its enactment and a copy of this Revised Ordinance was published in the Carson City Gazette on August 5th, 2013, pursuant to Section 7.4(b) of the City Charter of the City of Carson City.

CERTIFICATION OF ENACTMENT

We the undersigned, as Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Revised Ordinance Number 38, of the City of Carson City, was introduced at a regular meeting of the City Council held on July 16, 2013, and was thereafter adopted and passed at a regular meeting held on July 16, 2013 by a vote 6 for; 0 against; and 0 abstaining, with at least 10 days elapsing between introduction and enactment.



Bruce Tasker, Mayor



Staci Steere, City Comptroller

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On the effective date of the adoption of this Ordinance, all other conflicting ordinances, resolutions or rules regarding compensation for the Mayor and City Council are hereby repealed, rescinded and superseded by the provisions of this Revised Ordinance.

Motion presented by Simon - Supported by Burns

ORDINANCE NUMBER THIRTY-EIGHT

AN ORDINANCE TO PROVIDE FOR ODD YEAR CITY ELECTIONS, PRIMARYS AND NOMINATIONS AND TO EXTEND THE TERMS OF OFFICE OF ELECTED CITY OFFICERS PURSUANT TO ACT NUMBER 239 OF THE PUBLIC ACTS OF 1970.

THE CITY OF CARSON CITY ORDAINS:

SECTION I. The regular City election shall be held on the first Tuesday following the first Monday in November of 1971 and on the first Tuesday following the first Monday of November of every odd numbered year thereafter.

SECTION II. Non-partisan primary elections shall be held on the first Tuesday following the first Monday in August of 1971 and on the first Tuesday following the first Monday in August of every odd numbered year thereafter.

SECTION III. The method of nomination for all candidates for the City election shall be by petition, as required by Section 3.8 of the City Charter, except that nominating petitions for offices to be filled at the general election shall be filed by four o'clock in the afternoon (4:00 p.m.) on the seventh Tuesday prior to the primary election.

SECTION IV. Any person whose term would expire prior to January 1, 1972 under the City Charter shall continue in office until a successor takes office in accordance with Section 6 of this Ordinance; any any person whose term would expire after January 1, 1972 and before January 1, 1974 under the City Charter shall continue in office until a successor takes office in accordance with Section 6 of this Ordinance.

SECTION V. The terms of office of councilmen elected at any regular City election provided for herein are four (4) years or until their successors are elected and qualify.

SECTION VI. All persons elected shall take office at twelve o'clock noon (12:00 n.) on January 1 following the regular City election at which they were elected.

SECTION VII. In addition to the Mayor, at each regular City election there shall be elected three (3) councilmen and such additional number as may be required to fill vacancies pursuant to Section 5.6 (c) of the City Charter. The three receiving the highest number of votes shall be elected for a term of four (4) years; a number equal to the number of vacancies being filled, if any, who receive the next highest number of votes in order shall be elected for the respective unexpired terms.

SECTION VIII. This Ordinance shall take effect on February 26, 1971.


Adopted: February 16, 1971.


Paul Geller, Mayor



(Ordinance Number Thirty-eight Cont'd)

I hereby certify that the above Ordinance was adopted on
February 16, 1971 by the City Council of the City of Carson City.


Velma Tabor,