



## CITY of NOVI CITY COUNCIL

**Agenda Item A  
December 4, 2017**

**SUBJECT:** Approval of Resolution Declaring a Change of the Nominating Petition Deadline

**SUBMITTING DEPARTMENT:** City Clerk

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

The Charter for the City of Novi provides that every person desiring to become a candidate for elected City office must file a nominating petition or notification of candidacy with required cash payment "between the eightieth day and 4:00 p.m. at the prevailing time on the sixtieth day preceding" an odd-year primary election. Michigan Election Law, Act 116 of the Public Acts of 1954 was amended by Act 276 of the Public Acts of 2012, to reflect a due date for nominating petitions of 15 weeks prior to an odd-year primary election where primary election is required to held for such City office, and more specifically MCL 168.644f(1) as amended under PA 276 of 2012 now states that the candidate nomination petition filing deadline is "4 p.m. on the 15th Tuesday before the odd-year primary election." The current language in the City Charter pertaining to filing nominating petitions for the regular city election is superseded by Michigan election law, and this resolution will allow the City Clerk to place an annotation within the City Charter to reflect Michigan Election Law in lieu of having to formally amend the Charter with a ballot question submitted to the voters.

**RECOMMENDED ACTION:** Approval of Resolution Declaring a Change of the Nominating Petition Deadline

**CITY OF NOVI**  
**COUNTY OF OAKLAND**

**RESOLUTION DECLARING A CHANGE OF THE NOMINATING PETITION DEADLINE**

At a regular meeting of the City Council of the City of Novi, County of Oakland, State of Michigan, held on the \_\_\_ day of December 2017, at 7:30 p.m., with those present and absent being,

PRESENT:

ABSENT:

The following preamble and resolution were offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_:

WHEREAS, Article 3, Section 3.18 of the current City of Novi Charter ("City Charter") provides that every person desiring to become a candidate for elected City office must file a nominating petition or notification of candidacy with required cash payment "between the eightieth day and 4:00 p.m. at the prevailing time on the sixtieth day preceding" an odd-year primary election; and

WHEREAS, the Michigan Election Law, Act 116 of the Public Acts of 1954 was amended by Act 276 of the Public Acts of 2012, to reflect a due date for nominating petitions of 15 weeks prior to an odd-year primary election where primary election is required to held for such City office, and more specifically MCL 168.644f(1) as amended under PA 276 of 2012 now states that the candidate nomination petition filing deadline is "4 p.m. on the 15th Tuesday before the odd-year primary election."

WHEREAS, the current language in the City Charter pertaining to filing nominating petitions for the regular city election is superseded by Michigan election law, and the City wants to conform its Charter language to the applicable state law; and

WHEREAS, Section 117.3b(3) of the Home Rule City Act, Act 279 of the Public Acts of 1909, states: "the City may provide by resolution for any election provision that is consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992";

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. All other provisions of Article 3 of the City Charter regarding elections not inconsistent with the Michigan Election Law are affirmed.
2. The Clerk shall cause an annotation to be added to Article 3 Section 3.9 of the Charter stating: "*The Charter language pertaining to the deadline for*

*filing nominating petitions for elected office is superseded by Section 644f(1) of the Michigan Election Law, Act 116 of the Public Acts of 1954, as amended by Act 276 of the Public Acts of 2012. Every person desiring to become a candidate for elected City office must file a nominating petition no later than 4 p.m. on the 15th Tuesday before the odd-year primary election."*

3. All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflict, repealed.

AYES:  
NAYS:  
ABSENT:  
ABSTENTIONS:

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN) ) ss.  
COUNTY OF OAKLAND )

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Cortney Hanson, City Clerk  
City of Novi