

POSSIBLE AMENDMENTS TO CITY CHARTER ELECTIONS LANGUAGE
***** REVISED Sec. 1 (b)*** (9/14/09)**
TYPOGRAPHICAL ERROR IN LINE 6 OF SEC 4 CORRECTED AT MEETING

NOTE: Options are not mutually exclusive; the Task Force could recommend one or more of the options.

OPTION A

AMEND ARTICLE 9, SECTIONS 1, 4, 5, 6, AND 7, OF THE CITY CHARTER, RELATING TO ELECTIONS TO PROVIDE FOR PRIMARY AND GENERAL ELECTIONS, IN PLACE OF GENERAL AND RUN-OFF ELECTIONS, AND AMEND ARTICLE 2 SECTIONS 3, 5, 10, AND 11 TO CONFORM TO THIS AMENDMENT.

Effect of Amendment: Changes election titles to coincide with terms used in state law and consolidated election ballots.

Sec. 1. Permitted types of election.

Elections to be held in the city shall be either ~~general, run-off~~ **primary, general** or special elections.

(a) ~~General~~ **Primary** elections shall be held for the purpose of electing officers of the city and determining whether a ~~run-off~~ **general** election is necessary.

~~(b) Run-off~~ **General** elections shall be held when any elected offices remain unfilled after the ~~general~~ **primary** election.

(c) All other municipal elections that may be held by authority of this charter, or of any other law, shall be known as special elections and may, at the discretion of the city council, be conducted concurrently with a ~~general, run-off~~ **primary, general** or any other election authorized by law.

Sec. 4. Time of holding ~~general~~ **Primary elections.**

~~General~~ **Primary** elections shall be held in even numbered years on the first calendar date authorized by the state law establishing mandatory election dates. If there is no such law, or if the state law is made optional or is determined not to be mandatory for charter cities, the ~~general~~ **primary** election shall be held on the third Tuesday in February. ~~Run-off~~ **General** elections, if necessary, shall be held following ~~general~~ **primary** elections on the second calendar date authorized by the state law establishing mandatory election dates. If there is no such law, or if the state law is made optional or is determined not to be mandatory for charter cities, the ~~run-off~~ shall be held on the fourth Tuesday in March.

Sec. 5. Majority to elect in ~~general~~ **primary.**

Any candidate who shall receive at the ~~general~~ **primary** election, the number of votes constituting a majority of all of the ballots cast, shall be declared to be elected to the office for which he is a candidate, and no further elections shall be held as to said candidate provided that if more candidates receive the number of votes constituting a majority of all of the ballots cast than there are offices to be filled, then those candidates, equal in number of the offices to be filled, receiving the highest number of votes shall be declared to be elected.

Sec. 6. Run-off General election.

If at any ~~general~~ ~~primary~~ election there be any office or offices to which no candidate therefor was elected, then a ~~run-off~~ ~~general~~ election shall be held to elect candidates to fill such office or offices. The candidates not elected at the ~~general~~ ~~primary~~ election, equal in number to twice the number to be elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at the ~~general~~ ~~primary~~ election, shall be the only candidates at the ~~run-off~~ ~~general~~ election; provided, that if there be any person who under the provisions of this section would have been entitled to become a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

Sec. 7. Candidates receiving most votes to be elected.

The candidates, equal in number to the persons to be elected, who shall receive the highest number of votes at a ~~run-off~~ ~~general~~ election shall be declared elected to such office. In any cases of ties, the decision as to winner shall be determined by lot.

OPTION B

AMEND ARTICLE 9, SECTION 5, OF THE CITY CHARTER TO CHANGE THE METHOD FOR CALCULATING THE MAJORITY OF VOTES NEEDED FOR A CANDIDATE TO BE ELECTED AT THE GENERAL ELECTION:

Effect of amendment: Provides that the method for determining whether a candidate is elected at the City's general election shall be based on votes, rather than ballots, cast.

Sec. 5. Majority to elect in general.

Any candidate who shall receive at the general election, the number of votes constituting a majority of all of the ~~ballots~~ votes cast in that candidate's race, shall be declared to be elected to the office for which he is a candidate, and no further elections shall be held as to said candidate. ~~provided that if more candidates receive the number of votes constituting a majority of all of the ballots cast than there are offices to be filled, then those candidates, equal in number of the offices to be filled, receiving the highest number of votes shall be declared to be elected.~~

The majority of votes cast shall be determined by dividing the total number of valid votes cast in each candidate's race by the number of seats to be filled, dividing that number in half, and rounding to the next highest whole number.

If more candidates than there are offices to be filled receive the number of votes constituting a majority of all of the votes cast, then those candidates, equal in number of the offices to be filled, receiving the highest number of votes shall be declared to be elected.

OPTION C

AMEND ARTICLE 9, SECTION 1, OF THE CITY CHARTER, TO PROVIDE FOR THE ABILITY TO FORGO A GENERAL ELECTION FOR A PARTICULAR OFFICE IF NO MORE THAN TWO CANDIDATES FILE NOMINATING PETITIONS FOR EACH VACANCY IN THAT OFFICE.

Effect of amendment: Provides a means to dispense with an election for a particular office if no more than two candidates file nominating petitions for each vacancy in that office.

Sec. 1. Permitted types of election.

Elections to be held in the city shall be either general, run-off or special elections.

(a) General elections shall be held for the purpose of electing officers of the city and determining whether a run-off election is necessary. In the event that no more than two candidates file nominating petitions for each vacancy in office, the General Election may be dispensed with as to that office.

(b) Run-off elections shall be held when any elected offices remain unfilled after the general election.

(c) All other municipal elections that may be held by authority of this charter, or of any other law, shall be known as special elections and may, at the discretion of the city council, be conducted concurrently with a general, run-off or any other election authorized by law.

OPTION D

AMEND ARTICLE 9, SECTION 8, OF THE CITY CHARTER, RELATING TO THE METHOD FOR PROVIDING NOTICE OF A SPECIAL ELECTION:

Effect of amendment: Provides that the City may give notice of a Special Election by a method other than publication in a newspaper.

Sec. 8. Special elections.

Subject to the requirements of any state election laws that may apply, the council shall provide the time, manner and means of holding any special election, provided that no election shall be called less than thirty (30) days following ~~publication in the official newspaper of the city~~ public notice as required by state law or ordinance. All special elections shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections.

OPTION E

AMEND ARTICLE 10, SECTION 1, OF THE CITY CHARTER, TO CLARIFY THE LANGUAGE REGARDING INITIATIVE MEASURES THAT CONFLICT WITH THE CITY CHARTER.

Effect of amendment: Clarifies that an initiative measure in conflict with the City Charter may not be operative without a corresponding Charter amendment.

Sec. 1. Initiative, referendum and recall.

There is hereby reserved to the electors of the city the powers of the initiative and referendum and of the recall of elective officers. The provisions of the constitution and general laws of the state, as the same now exist or hereafter may be amended, governing the initiative and referendum and recall of elected officers shall apply in the city.

~~No initiative measure, however, may change or alter, or remove or limit, any power, right, duty, privilege or immunity conferred by or established by this charter, and no initiative measure which in any way conflicts with a provision of this charter or responsibilities conferred by it, shall, to the extent of such conflict, be operative without a corresponding amendment to this charter.~~ All city matters on which the council is or shall be empowered to legislate may be submitted by the council, of its own motion, to the electors for adoption or rejection at a general or special election in the same manner and with the same force and effect as matters submitted on petition.