

CITY OF HARTFORD  
COUNTY OF VAN BUREN, MICHIGAN  
ORDINANCE #302 – 07  
AN ORDINANCE REGARDING FILING DEADLINES FOR NOMINATING PETITIONS  
FOR ELECTED CITY OFFICE CONSISTENT WITH APPLICABLE STATE LAW

WHEREAS, the City of Hartford Charter, Section 5.1 provides:

NOMINATION BY PETITION

SECTION 5.1

A. For odd number years:

Any person desiring any elective office of the city shall file a petition with the city clerk signed by no less than twenty (20) nor more than forty (40) registered electors of the city. Said petition shall be filed not later than 4:00 p.m. on the 7<sup>th</sup> Tuesday prior to the date of a regular city election or, in the case of a special election, within the time set by the city commission.

B. Even numbered years:

The due date for nominating petitions must be no later than the first Tuesday following the first Monday in August.

WHEREAS, the Public Act No. 302 of 2003, Public Act No. 295 of 2004 and Public Act 647 of 2006 changed election laws to make filing deadlines and other election laws uniform throughout the state; and,

WHEREAS, the filing deadlines of the City of Hartford Charter, section 5.1, conflict with the state law as amended as follows:

MCL 168.322 provides:

For the name of a candidate of a political party for a city office, including a ward office, to appear under the particular party heading on the official primary election ballots for use in the city, a nominating petition shall be filed with the City Clerk not later than 4:00 p.m. on the twelfth Tuesday before the August primary, or not later than 4:00 p.m. on the twelfth Tuesday before the September primary election for a City that holds a September primary election. A nominating petition shall be signed by a number of qualified and registered electors of the political party who reside in the city or ward as determined under section 544f [MCL 168.544f]. This section does not apply to a City if the City Charter provides for a different method of nominating candidates for public office. The form of the petition shall be as provided in section 544c [MCL 168.544c];

WHEREAS, the City of Hartford Council has the option of concluding that the deadlines established by the City Charter control when considering section 322 of the election law [MCL 168.322], however, the Council concludes that adherence to said deadlines will lead to dispute and confusion in the event various municipalities are submitting nominating petitions to the County Clerk at different times;

WHEREAS, the City of Hartford Charter, at Section 13.7, provides that the Charter may be amended “at any time in the manner provided by law”;

WHEREAS, Michigan state law [MCL 117.3b], provides that the City may, notwithstanding any charter provision, provide by resolution for such election provisions that are consistent with the Michigan election law, Public Act No. 116 of 1954 [MCL 168.1 to 168.992].

THEREFORE, BE IT RESOLVED THAT THE CITY OF HARTFORD ORDAINS:

SECTION 1. Preamble.

The City of Hartford Council has determined that adherence to the filing deadlines for nominating petitions for elected City officials set forth in the City Charter will lead to dispute and confusion in the manner said nominating petitions are submitted to the County Clerk for placement on the ballot and, therefore, is contrary to the best interest of City residents, electors and potential candidates for office. The City of Hartford Council has further determined that the changes to the City Charter are relatively minor, are intended to establish consistency with the Michigan election law [MCL 168.1 et seq.], and may be appropriately adopted by ordinance rather than by an election as permitted by state law [MCL 117.3b].

SECTION 2. Filing Deadlines Consistent with State Law.

The filing deadlines for nominating petitions submitted pursuant to Article V of the City Charter shall be consistent with the deadlines established by state law as specifically set forth in MCL 168.322, as follows:

A nominating petition shall be filed with the City Clerk not later than 4 p.m. on the twelfth Tuesday before the date of a regular City election.

SECTION 3.

This ordinance is effective immediately upon adoption by the City Council.

ORDINANCE ADOPTED AT A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF HARTFORD HELD ON THE 25<sup>TH</sup> DAY OF JUNE 2007.

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RoxAnn Rodney – Isbrecht, City Clerk