

LOCAL PROPOSAL PETITION PROPOSED KALAMAZOO CITY CHARTER AMENDMENT

A proposed Kalamazoo city charter amendment to provide that the Mayor and City commissioners are to be elected by a Ranked Choice Voting method when a RCV election process is allowed by law.

The full text of the sections of the Kalamazoo City Charter that would be altered or abrogated is as follows:

SECTION 5. The City Commission shall consist of the Mayor and six City Commissioners. Beginning with the regular municipal election in 2015, the Mayor shall be elected on a separate ticket, and City Commissioners shall be elected on a general ticket from the City at large. The Mayor and City Commissioners shall serve for a term of two years, and shall be subject to recall as hereinafter provided. Provided however, beginning with the regular municipal election in 2015 City Commissioners shall be elected to staggered four year terms. At the regular municipal election in November 2015, six City Commissioners shall be elected on a general ticket from the City at large; the candidates who receive the three highest number of votes shall be elected for a term of four (4) years and the three candidates who receive the next highest number of votes shall be elected for a term of two (2) years. Beginning with the regular municipal election in November 2017, and each regular municipal election thereafter, three City Commissioners shall be elected for terms of four (4) years. No person shall be a candidate for the offices of Mayor and City Commissioner on the same ballot.

SECTION 6. (a) A person seeking the office of Mayor or City Commissioner shall be a resident of and a qualified elector in the City at the time of filing for election or appointment to that office. The City Commission shall be the judge of the election and qualification of its own members, subject to review by the Courts. No member of the City Commission shall, during his or her term of office, hold any other City office unless otherwise provided in this Charter.

(b) No member of the City Commission, or other officer, shall be interested directly or indirectly in the profits of any contract, job or work, or be financially interested directly or indirectly in the sale to the City of any land, materials, supplies, or services (other than official services). Any member of the City Commission or other officer of the city, offending against the provisions of this section shall, upon conviction thereof, be fined not more than Five Hundred (\$500.00) dollars, or be imprisoned not more than ninety (90) days, or both, in the discretion of the Court, and shall forfeit office. The prohibitions of this section shall not apply if the City Commission shall declare on its records by a unanimous vote of the members thereof, other than the member so interested, that the best interests of the City are served in spite of a personal interest, direct or indirect.

(c) A City Commissioner whose term does not expire at the same election as that of the Mayor is not eligible to seek the office of Mayor unless the Commissioner submits to the City Clerk a resignation from the office of City Commissioner before the deadline for filing nominating petitions for the office of Mayor. Such resignation is absolute, without need of acceptance by the City Commission and may not be withdrawn, but shall not take effect until 11:59 p.m. on the Monday before the next November odd-year regular municipal election; should one or more City Commissioners resign from office to seek the office of Mayor then the resulting vacancies shall be filled for terms of 2 years by those City Commission candidates receiving the fourth, fifth and sixth highest number of votes, depending on the number of vacancies, at the November odd-year regular election at which any offices of City Commissioner are vacant pursuant to this subsection

SECTION 8. (a) At seven o'clock P.M. on the first Monday following the November odd-year regular municipal election, the City Commission shall meet at a place open and available to the public for holding the meetings of the legislative body of the City, at which time the newly elected Mayor and City Commissioners shall be sworn and assume the duties of their offices. Thereafter the City Commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet in regular session not less than twice each month. Special meetings may be called at any time by the Mayor or by two City Commissioners, by giving such notice to its members of such meeting as the City Commission shall provide. All meetings of the City Commission shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The City Commission shall determine its own rules and order of business, and shall keep a record of its proceedings.

(b) The candidate receiving the most votes for the office of Mayor at the preceding election shall be elected and assume the duties as Mayor. The candidate who received the highest number of votes for the office of City Commissioner at the preceding election shall be the Vice Mayor. In the event the City Commissioner candidate receiving the highest number of votes chooses not to serve as Vice-Mayor, the City Commission shall elect from its membership the Vice-Mayor for that term of office. The Vice-Mayor shall perform all the duties of the Mayor when, on account of absence from the City or otherwise, the Mayor is temporarily unable to perform the duties of his or her office, or, in case of vacancy in the office of the Mayor, until such vacancy is filled by the City Commission. The term of the Vice Mayor shall be two years.

(c) A majority of the members elected to the City Commission shall be a quorum to do business, but, in the absence of a quorum, two or more Commissioners can adjourn any regular or special meeting to a later date. Except as otherwise provided in this Charter, the affirmative vote of a majority of the members elected to the City Commission shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances, and upon the adoption of all such resolutions as this Charter or the City Commission by its rules shall prescribe, shall be taken by "YEA" and "NAY" votes and entered upon the record.

SECTION 33. (a) A regular municipal election shall be held on the first Tuesday after the first Monday in November of Nineteen Hundred Nineteen (1919), and every two (2) years thereafter.

(b) At each regular municipal election, there shall be elected a Mayor and from the City at large six City Commissioners. The Mayor and City Commissioners shall each serve for a term of two years, or until their successors are elected and have qualified. Beginning with the regular municipal election held in November 2015, there shall be elected a Mayor and except as provided at Sections 5, 6(c), and 9(c) three City Commissioners at large; the Mayor shall serve a term of two years and City Commissioners shall serve for a term of four years, or until their successors are elected and have qualified.

(c) Special elections may be called by resolutions of the City Commission. Said resolution shall set forth the time, purpose and place of such special election; provided, that not more than two (2) such special elections shall be called in any one (1) year.

The full text of the proposal amending Sections 5, 6, 8 AND 33 and adding Section 5A to the Kalamazoo City Charter is as follows (additions capitalized, deletions stricken):

SECTION 5. The City Commission shall consist of the Mayor and six City Commissioners. Beginning with the regular municipal election in 2015, the Mayor shall be elected on a separate ticket, and City Commissioners shall be elected on a general ticket from the City at large. The Mayor and City Commissioners shall serve for a term of two years, and shall be subject to recall as hereinafter provided. Provided however, beginning with the regular municipal election in 2015 City Commissioners shall be elected to staggered four year terms. At the regular municipal election in November 2015, six City

Commissioners shall be elected on a general ticket from the City at large; the candidates who receive the three highest number of votes shall be elected for a term of four (4) years and the three candidates who receive the next highest number of votes shall be elected for a term of two (2) years. Beginning with the regular municipal election in November 2017, and each regular municipal election thereafter, three City Commissioners shall be elected for terms of four (4) years. No person shall be a candidate for the offices of Mayor and City Commissioner on the same ballot. IN THE EVENT STATE LAW ALLOWS FOR THE USE OF RANKED CHOICE VOTING FOR THE OFFICES OF MAYOR AND CITY COMMISSION, AND VOTING MACHINE EQUIPMENT CAPABLE OF IMPLEMENTING RANKED CHOICE VOTING IS AVAILABLE AND OBTAINED BY THE CITY, AND SUCH EQUIPMENT IS APPROVED BY THE CITY ELECTION COMMISSION, BEGINNING IN THE ELECTION OF 2023, OR SUCH SUBSEQUENT ODD YEAR ELECTION ONCE THESE CONDITIONS ARE SATISFIED, THE MAYOR AND CITY COMMISSIONERS SHALL BE ELECTED IN THE MANNER PRESCRIBED IN SECTION 5A.

SECTION 5A. IN THE EVENT STATE LAW ALLOWS FOR THE USE OF RANKED CHOICE VOTING FOR THE OFFICES OF MAYOR AND CITY COMMISSION, AND VOTING MACHINE EQUIPMENT CAPABLE OF IMPLEMENTING RANKED CHOICE VOTING IS AVAILABLE AND OBTAINED BY THE CITY, AND SUCH EQUIPMENT IS APPROVED BY THE CITY ELECTION COMMISSION, BEGINNING IN THE ELECTION OF 2023, OR SUCH SUBSEQUENT ODD YEAR ELECTION ONCE THESE CONDITIONS ARE SATISFIED, THE MAYOR CANDIDATE THAT IS ELECTED SHALL BE DETERMINED AS SET FORTH IN SUBSECTION (A). THE CITY COMMISSION CANDIDATES THAT ARE ELECTED SHALL BE DETERMINED AS SET FORTH IN SUBSECTION (B).

- (A) SINGLE WINNER TABULATION. — IN ANY CONTEST FOR EXACTLY ONE OFFICE CONDUCTED BY RANKED CHOICE VOTING, EACH VALIDLY CAST BALLOT SHALL BE INITIALLY COUNTED AS ONE VOTE FOR THE CANDIDATE AT ITS HIGHEST CONTINUING RANKING OR AS AN EXHAUSTED BALLOT. IF A CANDIDATE HAS MORE THAN HALF OF THE TOTAL VOTES COUNTING FOR CANDIDATES, THAT CANDIDATE IS ELECTED AND THE TABULATION IS COMPLETE. OTHERWISE, TABULATION PROCEEDS IN ROUNDS. EACH ROUND SHALL PROCEED SEQUENTIALLY AS FOLLOWS:
- (1) IF TWO OR FEWER CONTINUING CANDIDATES REMAIN, THE CANDIDATE WITH THE GREATEST NUMBER OF VOTES IS ELECTED AND THE TABULATION IS COMPLETE. OTHERWISE, THE TABULATION CONTINUES TO SUBSECTION (A)(2).
 - (2) THE CANDIDATE WITH THE FEWEST VOTES IS DEFEATED. VOTES FOR THE DEFEATED CANDIDATE SHALL CEASE COUNTING FOR THE DEFEATED CANDIDATE AND SHALL BE ADDED TO THE TOTALS OF EACH BALLOT'S NEXT-RANKED CONTINUING CANDIDATE OR COUNTED AS EXHAUSTED BALLOTS, AND A NEW ROUND BEGINS WITH SUBSECTION (A)(1)
- (B) MULTI WINNER TABULATION. — IN ANY CONTEST FOR MORE THAN ONE OFFICE CONDUCTED BY RANKED CHOICE VOTING, EACH VALIDLY CAST BALLOT SHALL BE INITIALLY COUNTED AS ONE VOTE FOR ITS HIGHEST-RANKED CONTINUING CANDIDATE OR AS AN EXHAUSTED BALLOT. THE ELECTION THRESHOLD SHALL BE CALCULATED. TABULATION SHALL THEN PROCEED AS FOLLOWS:
- (1) IF THE NUMBER OF CONTINUING CANDIDATES WHOSE VOTE TOTALS EXCEED THE ELECTION THRESHOLD IS EQUAL TO THE NUMBER OF REMAINING SEATS TO BE FILLED, THOSE CANDIDATES ARE ELECTED AND THE TABULATION IS COMPLETE. IF THE NUMBER OF CONTINUING CANDIDATES IS EQUAL TO OR LESS THAN THE NUMBER OF SEATS REMAINING TO BE FILLED, THEN ALL CONTINUING CANDIDATES ARE ELECTED AND THE TABULATION IS COMPLETE. OTHERWISE, THE TABULATION CONTINUES TO SUBSECTION (B)(2).
 - (2) THE NUMBER OF SURPLUS VOTES FOR ANY CANDIDATES WHOSE VOTE TOTALS ARE GREATER THAN THE ELECTION THRESHOLD SHALL BE CALCULATED. ANY CONTINUING CANDIDATES WHO HAVE VOTE TOTALS THAT EXCEED THE ELECTION THRESHOLD ARE ELECTED. THE SURPLUS FRACTION FOR EACH SUCH CANDIDATE SHALL BE CALCULATED. FOR ANY CANDIDATES WITH A SURPLUS FRACTION GREATER THAN ZERO, THE NEW TRANSFER VALUE OF EACH VOTE CAST FOR THOSE CANDIDATES SHALL BE CALCULATED. VOTES FOR THOSE CANDIDATES SHALL BE ADDED, AT THEIR NEW TRANSFER VALUES, TO THE TOTALS OF EACH BALLOT'S HIGHEST-RANKED CONTINUING CANDIDATE OR COUNTED AS EXHAUSTED BALLOTS, AND A NEW ROUND BEGINS WITH SUBSECTION (B)(1). IN ALL SUBSEQUENT ROUNDS, ANY CANDIDATES ELECTED UNDER THIS SUBSECTION SHALL HAVE VOTE TOTALS EQUAL TO THE ELECTION THRESHOLD. IF NO CANDIDATE HAS A SURPLUS FRACTION GREATER THAN ZERO, THE TABULATION CONTINUES TO SUBPARAGRAPH (B)(3).
 - (3) THE CANDIDATE WITH THE FEWEST VOTES IS DEFEATED. THEN, IF THE NUMBER OF CONTINUING CANDIDATES IS EQUAL TO THE NUMBER OF SEATS REMAINING TO BE FILLED, ALL CONTINUING CANDIDATES ARE ELECTED, VOTES FOR THE DEFEATED CANDIDATE ARE NOT ADDED TO THE TOTALS OF ANY OTHER CANDIDATES AND THE TABULATION IS COMPLETE. OTHERWISE, VOTES FOR THE DEFEATED CANDIDATE SHALL CEASE COUNTING FOR THE DEFEATED CANDIDATE AND SHALL BE ADDED, AT THEIR CURRENT TRANSFER VALUES, TO THE TOTALS OF EACH BALLOT'S NEXT-RANKED CONTINUING CANDIDATE OR COUNTED AS EXHAUSTED BALLOTS, AND A NEW ROUND BEGINS WITH SUBSECTION (B)(1).
- (C) DEFINITIONS. — FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS:
- (1) "CONTINUING CANDIDATE" MEANS ANY CANDIDATE THAT HAS NOT BEEN DEFEATED OR ELECTED.
 - (2) "ELECTION THRESHOLD" MEANS THE NUMBER OF VOTES SUFFICIENT FOR A CANDIDATE TO BE ELECTED IN A MULTI-WINNER CONTEST. THE ELECTION THRESHOLD IS CALCULATED BY DIVIDING THE TOTAL NUMBER OF VOTES COUNTING FOR CONTINUING CANDIDATES IN THE FIRST ROUND BY THE SUM OF ONE PLUS THE NUMBER OF OFFICES TO BE FILLED, ROUNDING UP TO FOUR DECIMAL PLACES.
 - (3) "EXHAUSTED BALLOT" MEANS A BALLOT THAT IS NOT COUNTED FOR ANY CONTINUING CANDIDATE FOR ONE OR MORE OF THE FOLLOWING REASONS:
 - (A) IT DOES NOT RANK ANY CONTINUING CANDIDATES;
 - (B) ITS HIGHEST CONTINUING RANKING CONTAINS AN OVERVOTE; OR
 - (C) IT INCLUDES TWO OR MORE CONSECUTIVE SKIPPED RANKINGS PRIOR TO ITS HIGHEST CONTINUING RANKING.
 - (4) "HIGHEST CONTINUING RANKING" MEANS THE HIGHEST RANKING FOR ANY CONTINUING CANDIDATE.

The circulator of this petition is a (mark one): paid signature gatherer volunteer signature gatherer.
 If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on this petition is invalid and will not be counted.

**LOCAL PROPOSAL PETITION
 PROPOSED KALAMAZOO CITY CHARTER AMENDMENT**

A proposed Kalamazoo city charter amendment to provide that the Mayor and City commissioners are to be elected by a Ranked Choice Voting method when a RCV election process is allowed by law. The full text of the proposal appears on the reverse side of this petition, along with provision of the existing charter which would be altered or abrogated if the proposal is adopted.

We, the undersigned qualified and registered electors, residents in the Township City of Kalamazoo, in the county of Kalamazoo, State of Michigan, respectively, petition for proposed Kalamazoo city charter amendment.

WARNING — A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
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CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township listed in the heading of the petition, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING — A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Paid for with regulated funds by Rank MI Vote Ballot Question Committee, P.O. Box 27304, Lansing, MI 48909.

CIRCULATOR – Do not sign or date certificate until after circulating petition.

(Signature of Circulator) _____ (Date) ____/____/____

(Printed Name of Circulator) _____

Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box] _____

(City or Township, State, Zip Code) _____

(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan) _____

- (5) "OVERVOTE" MEANS A VOTER HAS RANKED MORE THAN ONE CANDIDATE AT THE SAME RANKING.
- (6) "RANKING" MEANS THE NUMBER ASSIGNED BY A VOTER TO A CANDIDATE TO EXPRESS THE VOTER'S CHOICE FOR THAT CANDIDATE. A RANKING OF "1" IS THE HIGHEST RANKING FOLLOWED BY "2" AND THEN "3" AND SO ON.
- (7) "ROUND" MEANS AN INSTANCE OF THE SEQUENCE OF VOTING TABULATION BEGINNING WITH SUBSECTION (A)(1) OF THIS SECTION FOR SINGLE WINNER CONTESTS OR (B)(1) OF THIS SECTION FOR MULTI WINNER CONTESTS.
- (8) "SKIPPED RANKING" MEANS A VOTER HAS LEFT A RANKING BLANK AND RANKS A CANDIDATE AT A SUBSEQUENT RANKING.
- (9) "SURPLUS" MEANS A POSITIVE DIFFERENCE BETWEEN A CANDIDATE'S VOTE TOTAL AND THE ELECTION THRESHOLD.
- (10) "SURPLUS FRACTION" MEANS THE NUMBER EQUAL TO A CANDIDATE'S SURPLUS DIVIDED BY THAT CANDIDATE'S VOTE TOTAL, CALCULATED TO FOUR DECIMAL PLACES, IGNORING ANY REMAINDER.
- (11) "TRANSFER VALUE" MEANS THE PROPORTION OF A VOTE THAT A BALLOT WILL CONTRIBUTE TO ITS HIGHEST CONTINUING RANKING. EACH BALLOT BEGINS WITH A TRANSFER VALUE OF 1. IF A BALLOT TRANSFERS FROM AN ELECTED CANDIDATE WITH A SURPLUS, IT RECEIVES A NEW TRANSFER VALUE. THE NEW TRANSFER VALUE OF SUCH A BALLOT IS CALCULATED BY MULTIPLYING THE SURPLUS FRACTION OF THE ELECTED CANDIDATE BY THE BALLOT'S CURRENT TRANSFER VALUE, CALCULATED TO FOUR DECIMAL PLACES, IGNORING ANY REMAINDER.

IF THE VOTING SYSTEM, VOTE TABULATION SYSTEM OR SIMILAR OR RELATED EQUIPMENT USED BY THE CITY CANNOT FEASIBLY ACCOMMODATE CHOICES EQUAL TO THE TOTAL NUMBER OF CANDIDATES RUNNING FOR EACH OFFICE, THE CLERK SHALL LIMIT THE NUMBER OF CHOICES A VOTER MAY RANK TO NO FEWER THAN THREE CANDIDATES FOR MAYOR AND SIX CANDIDATES FOR CITY COMMISSIONER, OR THE NUMBER OF CANDIDATES NOMINATED, WHICHEVER IS GREATER.

SECTION 6. (a) [No change]

- (b) [No change]
- (c) [No change]
- (d) IN THE EVENT STATE LAW ALLOWS FOR THE USE OF RANKED CHOICE VOTING FOR THE OFFICES OF MAYOR AND CITY COMMISSION, AND VOTING MACHINE EQUIPMENT CAPABLE OF IMPLEMENTING RANKED CHOICE VOTING IS AVAILABLE AND OBTAINED BY THE CITY, AND SUCH EQUIPMENT IS APPROVED BY THE CITY ELECTION COMMISSION, SO THAT MEMBERS OF THE CITY COMMISSION ARE ELECTED IN THE MANNER PRESCRIBED IN SECTION 5A, IN THE CASE OF A RESIGNATION OF ONE OR MORE CITY COMMISSIONERS WHO INTEND TO SEEK THE OFFICER OF MAYOR, THE VACANCY OR VACANCIES SHALL BE FILLED IN THE MANNER PRESCRIBED IN SECTION 9(C).

SECTION 8. (a) [No change]

- (b) [No change]
- (c) IN THE EVENT STATE LAW ALLOWS FOR THE USE OF RANKED CHOICE VOTING AND VOTING MACHINE EQUIPMENT CAPABLE OF IMPLEMENTING RANKED CHOICE VOTING IS AVAILABLE AND OBTAINED BY THE CITY, AND SUCH EQUIPMENT IS APPROVED BY THE CITY ELECTION COMMISSION, THE MANNER OF DETERMINING WHICH CANDIDATE RECEIVED THE HIGHEST NUMBER OF VOTES WILL BE DETERMINED IN THE MANNER PRESCRIBED IN SECTION 5A. THE CANDIDATE FOR CITY COMMISSION WHO FIRST EXCEEDS THE ELECTION THRESHOLD, OR IF MORE THAN ONE CANDIDATE FIRST EXCEEDS THE ELECTION THRESHOLD, THEN THE CANDIDATE WITH THE MOST VOTES SHALL BE THE VICE MAYOR; IN THE EVENT THIS CANDIDATE CHOOSES NOT TO SERVE AS VICE-MAYOR, THE CITY COMMISSION SHALL ELECT FROM ITS MEMBERSHIP THE VICE-MAYOR FOR THAT TERM OF OFFICE.
- (d) [No change]

SECTION 33. (a) A regular municipal election shall be held on the first Tuesday after the first Monday in November of Nineteen Hundred Nineteen (1919), and every two (2) years thereafter.

- (b) At each regular municipal election, there shall be elected a Mayor and from the City at large six City Commissioners. The Mayor and City Commissioners shall each serve for a term of two years, or until their successors are elected and have qualified. Beginning with the regular municipal election held in November 2015, there shall be elected a Mayor and except as provided at Sections 5 OR 5A (WHICHEVER IS APPLICABLE), AND SECTIONS 6(c), and 9(c) three City Commissioners at large; the Mayor shall serve a term of two years and City Commissioners shall serve for a term of four years, or until their successors are elected and have qualified. IN THE EVENT STATE LAW ALLOWS FOR THE USE OF RANKED CHOICE VOTING FOR THE OFFICES OF MAYOR AND CITY COMMISSION, AND VOTING MACHINE EQUIPMENT CAPABLE OF IMPLEMENTING RANKED CHOICE VOTING IS AVAILABLE AND OBTAINED BY THE CITY, AND SUCH EQUIPMENT IS APPROVED BY THE CITY ELECTION COMMISSION, BEGINNING IN THE ELECTION OF 2023, OR SUCH SUBSEQUENT ODD YEAR ELECTION ONCE THESE CONDITIONS ARE SATISFIED, THE ELECTION OF THE MAYOR AND CITY COMMISSIONERS SHALL BE CONDUCTED IN THE MANNER PRESCRIBED IN SECTION 5A.
- (c) Special elections may be called by resolutions of the City Commission. Said resolution shall set forth the time, purpose and place of such special election; provided, that not more than two (2) such special elections shall be called in any one (1) year.