

OWOSSO CITY COUNCIL ELECTION GUIDELINES

GUIDELINE #1 **ELIGIBILITY FOR CITY OFFICE**

Eligibility requirements for the position of Councilmember for the City of Owosso are outlined in Sections 4.2, 4.3, and 13.9 of the City Charter as follows:

Charter Section 4.2. Eligibility for City Office-General Qualifications.

- (a) Except as otherwise provided in this charter, a person is eligible for election or appointment to an elective city office if he has been a registered elector of the city, or of territory annexed to the city, for a total of two years or more*, immediately preceding his election or appointment and is the owner of property** in the city which is assessed for taxes.
- (b) A person is eligible for appointment to an appointive city office if he is a registered elector of the city: Provided, that this qualification may be waived as to any such officer, except members of a board, by a resolution concurred in by not less than five of the members of the Council. When such requirement is waived, the appointment to office shall be provisional, until the appointee becomes a registered elector of the city. Each person for whom such requirement is waived shall become a resident of the city within ninety days, and a registered elector of the city within nine months, after the date of his appointment.
- (c) The Council shall be the judge of the election and qualifications of its members, subject to the election recount provisions of law and review by the courts relative to questions concerning qualifications for holding city office.

**Editor's note - A two-year residency requirement for city office was held violative of equal protection by Green v. McKeon, 335 F. Supp. 630 (E.D. Mich. 1971), affirmed by 468 F.2d 883 (6th Cir. 1972). A one-year residency requirement was upheld by Joseph v. City of Birmingham, 510 F. Supp. 1319 (E.D. Mich. 1981).*

***Property ownership requirement for elective office was held violative of equal protection by Turner v. Frouche, 396 U.S. 346(1969).*

State law reference(s) - Mandatory that Charter provides for qualifications of its officers, MSL H7.3(d), MSA 5.2073(d).

Charter Section 4.3. Certain Persons Ineligible for City Office or Employment.

- (a) A person who is in default to the city, shall not be eligible to hold any city office.
- (b) A person who holds or has held an elective city office shall not be eligible for appointment to an office or employment, for which compensation is paid by the city, until one year has elapsed following the term for which he was elected or appointed.
- (c) A person who has been convicted of an infamous crime or of any violation of an oath of office or of the election law shall not be eligible to hold any city office.
- (d) A person who has been elected to two consecutive 4-year terms of office on the City Council shall not be eligible to again serve on the City Council until 2 years have elapsed following his/her last term. This provision shall not constitute an additional eligibility requirement for appointment to those boards, other than the city council, whose members must have the qualifications of elective officers set forth in this charter.

Charter Section 13.9. Affidavit of Qualification for Office.

On or before the third day after the last day for filing petitions for any city office as above provided, each person for whom a nominating petition has been filed or the person who filed the petition, shall file with the Clerk an **Affidavit of Identity** that the person named in the petition is possessed of all of the qualifications set forth by this charter for election to and the holding of the office for which his petition has been filed. Such affidavit shall be on the form therefor provided by the Clerk. If a second petition is filed for nominating a person to an office different from that named in a prior petition filed by him or on his behalf, the first petition must be withdrawn by the person named therein before the affidavit required by this section may be received by the Clerk on behalf of such person respecting the second petition.

GUIDELINE #2 CIRCULATING NOMINATING PETITIONS & FILING FOR OFFICE

- The City Charter requires potential Council candidates seek the signatures of at least 50, and not more than 100, fellow voters registered in the City of Owosso in order to have their name placed on the ballot. (Note: Those seeking certain elected offices in Michigan are eligible to pay a \$100 filing fee in lieu of gathering signatures. THIS IS NOT ONE OF THE ELIGIBLE OFFICES.)
- Please note: petition signers may not sign more petitions than seats available or their signatures will be invalidated on ALL petitions signed (ie. 4 seats available; signs 5 petitions – all 5 signatures are disqualified).
- The City Charter contains language requiring all nominating petitions for City Council positions to originate in the office of the Owosso City Clerk. Our office will provide you with sufficient pages to accommodate the required number of signatures. Should you run out of pages simply contact our office for more.

As an alternative, state law allows for the submission of petitions that did not originate from the Owosso City Clerk's Office as long as they comply with Michigan Election Law (specifically MCL 168.546). It is noted that while one can develop their own petition sheets the requirements are quite onerous and the petition can be disqualified if not formatted properly.

- Michigan Election Law sets the deadline for the submission of petition signatures as not later than 4:00 o'clock in the afternoon on the 15th Tuesday preceding the even-year November general election (MCL 168.646(a)). Petitions must be filed in the Owosso City Clerk's Office by the date and time prescribed by law. Late submissions will not be accepted!
- The rules for collecting signatures and what exceptions are made when determining whether a petition sheet/signature is valid can be found in the **Circulating Petitions Guidebook** included with this packet.
- Per City Charter Section 13.8 all signatures will be counted within 5 days of submission. If your petition is found to be insufficient you will be allowed to collect and submit more signatures up until the submission deadline, though you cannot submit more than 100 signatures in total.
- Candidates will also be required to complete and sign an Affidavit of Identity (attached) as outlined in Michigan Election Law. The affidavit provides your contact information, the office sought, and how your name should appear on the ballot. It also serves as proof that you acknowledge that you have filed the appropriate Campaign Finance Act documents with the County.
- All Council candidates are required to comply with the financial disclosure requirements of the Michigan Campaign Finance Act (MCFA), P.A. 388 of 1976, MCL 169.201 *et seq.* The designated filing official for financial disclosure reports is the Shiawassee County Clerk, located in the County Courthouse in Corunna. Included with this packet you will find basic information on campaign finance provided by their office. Should you have any questions regarding the Statement of Organization and/or campaign finance requirements please contact the County Clerk's Office at (989)743-2301 or clerk@shiawassee.net.

GUIDELINE #3 CAMPAIGNING, CAMPAIGN SIGNS AND MATERIALS

Please adhere to the following regulations regarding campaigning, campaign signs, and materials:

- All candidates for City Council should be aware that the Michigan Campaign Finance Act requires a disclaimer printed on all election materials. This would include all yard signs, handouts and newspaper advertisements and articles. Candidates are encouraged to have this information clearly visible to observers of the materials. If you have questions regarding this requirement, please contact the Shiawassee County Clerk's Office at (989) 743-2301.
- The City of Owosso governs the size, number, and placement of signs on property within the City limits. The following is a summary of the regulations covering political signs in residential neighborhoods. Candidates wishing to place campaign signs on property with a commercial or industrial zoning designation should contact the Building Department at (989)725-0535 or building@ci.owosso.mi.us for more information.

Political Signs in Residential Areas

City of Owosso Code of Ordinances defines political signs as a type of *temporary sign*. Temporary Signs are signs constructed of paper, cloth, canvas, plastic, cardboard, wall board, plywood, or other like material that are constructed for limited time use, lack a permanent foundation or mounting, or is determined by the ordinance enforcer to be displayed for a limited time.

Temporary Signs are regulated as follows, per Chapter 38 - Zoning, Article XX - Signs, of the Code of Ordinances:

1. No permit is required.
2. No illumination is allowed.
3. Size:
 - a. Maximum size of individual sign shall not exceed 20 square feet
 - b. Total area of all temporary signs on a single site shall not exceed 30 square feet
 - c. Signs shall not be higher than 42" above average mean grade of the yard
4. Location:
 - a. Signs shall not be attached to any utility poles or be located within the right-of-way
 - b. Signs shall not be located closer than 20' to the edge of the street
 - i. A general rule of thumb to approximate this measurement is to place the sign at least 5' inside the sidewalk
 - c. Signs shall not interfere with, obstruct, confuse or mislead traffic
 - d. Signs shall not be placed in a way that creates a hazard of any kind
 - e. Signs may not be posted on private property without first obtaining permission from the property owner
 - f. Signs shall not be located where they may obstruct the vision of a motorist, bicyclist or pedestrian
 - i. Imagine you're backing out of the driveway, will the sign block your view of a pedestrian on the sidewalk or another car on the street?
5. Time limitations
 - a. Temporary signs shall be removed within 60 days of placement
 - b. No sign may be located on an individual parcel more than 60 calendar days out of every 120 calendar days

We ask that you please inform your supporters where they can legally place your signs. If any of the signs from your campaign are reported to be in violation of the regulations you will be contacted and asked to correct the problem. **If any of the signs from your campaign are found to be in the right-of-way they may be removed on the spot by City personnel.**

- Polling places within the City have historically been located in elementary school buildings. The Owosso Public Schools has a written policy prohibiting campaign signs of any sort on school property.
- City Code addresses the distribution of election related materials as follows:

Placing handbills on vehicle. No person shall throw or deposit any handbill in or upon any vehicle.

Handbills on uninhabited or vacant premises. No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Distributing handbills at inhabited private premises. No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises.

**Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original, or copies of any matter or literature. (Owosso City Code, Chapter 18, Nuisances, Article III, Littering and Distribution of handbills)*

- Michigan Election Law prohibits campaigning activities on the day of an election through the "100 feet" rule (MCL 168.744) as follows:

Michigan election law stipulates that “a person shall not post, display, or distribute in a polling place, in any hallway used by voters to enter or exit a polling place, or within 100 feet of an entrance to a building in which a polling place is located any material that directly or indirectly makes reference to an election, a candidate, or a ballot question.” This prohibition includes any solicitation of voters at the polling place including, but not limited to petition signature gathering or sales of any kind. The prohibition does not apply to official material that is required by law to be posted, displayed, or distributed in a polling place on election day.

The following activities are included under this restriction:

- Displaying “pro and con” information on the proposals appearing on the ballot.
- Approaching voters to encourage them to vote for or against a candidate or ballot question.
- Distributing any type of campaign literature or write-in stickers.
- Displaying signs, posters, or bumper stickers.
- Attempting to collect petition signatures.
- Requesting donations, selling tickets or engaging in similar activities.

Election inspectors must request that voters entering the polls remove campaign buttons or cover up clothing which bears any reference to a political party or interest group, campaign slogan or a candidate(s) name if associated with a ballot question or candidate whose name is appearing on the ballot for that specific election. In addition, voters must be told to conceal campaign literature or other campaign materials brought into the polls. While there is nothing to prohibit a voter from referring to campaign literature or “slate cards” when voting, the materials may not be left behind in the voting station. Election inspectors should be instructed to on for campaign literature left by voters and discard any that is found.

GUIDELINE #4 **WRITE-IN CANDIDATES**

Except as otherwise provided in Michigan Election Law, write-in votes shall not be counted for any person unless that person has filed a Declaration of Intent to be a write-in candidate for that office. The

write-in candidate shall file the Declaration of Intent to be a write-in candidate with the Owosso City Clerk for that elective office on or before 4 p.m. on the 2nd Friday preceding the election. **Guidelines #1 and #3 listed above are applicable to write-in candidates.**

SPECIAL NOTE: In preparation for a campaign as a write-in candidate, please be advised as to proper write-in voting procedures. You should inform your contacts that they need to print your name on the line on the ballot for a write-in vote under the heading for the office you desire and complete the oval next to the name. **Please do not distribute pre-printed stickers to be placed on the ballot. This method will damage the voting equipment.**

Any questions regarding City Council elections and the information contained in this packet should be directed to the City Clerk's Office (contact information below). Good luck!

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Checklist:

- City Council Elections Guidelines
- Affidavit of Identity and Instructions
- Circulating Petitions Guidebook
- Deadline for Submission
- County Clerk – Campaign Finance Information
- Petition Sample