

CHARTER PROPOSAL B

A proposed Royal Oak 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 Royal Oak Charter that would be altered or abrogated is as follows:

CHAPTER THREE  
Form of Government

Section 4. The Mayor of the City shall be elected for the term of two years. In the Biennial City Election of 1947 the six candidates receiving the highest number of votes for the Commission shall be elected as Commissioners, the three highest to serve for a term of four years, the other three for a term of two years; thereafter, the three candidates for Commissioner receiving the highest number of votes shall be elected to serve a term of four years. The Commission shall be the judge of the election and qualification of its own members. The term of all elective officers shall commence at 12:00 noon on the third Monday in November following their election except as hereinafter provided for the first election under this Charter.

CHAPTER FOUR  
Registration, Nomination, Election, and Recall

Section 1. The provisions of the Michigan Election Law, except as herein otherwise provided, shall apply to and control the registration of electors and the conduct of elections in the City of Royal Oak.

Section 17. The official ballot language shall be substantially as follows:

FOR MAYOR  
(Vote for One)  
(Names of Candidates)

FOR CITY COMMISSIONER  
(Vote for Six) (in the 1947 Election)  
(Vote for Three) (after 1947)  
(Names of Candidates)

TO FILL A VACANCY IN OFFICE OF

---

FOR UNEXPIRED TERM

(To be used only when necessary).  
(Names of Candidates)

The official ballot for absentee voters and for use in case of emergency when for any reason voting machines cannot be used, shall be similar in form as above and shall also bear the following heading:

CANDIDATES FOR CITY OFFICES FOR THE CITY OF  
ROYAL OAK AT THE REGULAR MUNICIPAL ELECTION  
(Place a cross, "X", or checkmark in the square opposite

the names of the persons for whom you desire to  
vote for the respective offices.)

Section 20. The person receiving the greatest number of votes for any office in the City shall be deemed to have been duly elected to such office; and if there be no choice for any office, by reason of two or more candidates having received an equal number of votes, the City Board of Canvassers shall, at the meeting mentioned in Section 19, determine by lot between such persons, which shall be considered elected to such office.

Section 22. A recount of the votes cast at any City election for any office or upon any proposition may be had in accordance with the provisions of the Michigan Election Law. Any petition for a recount of the votes cast at any City election shall be filed with the City Clerk by 5:00 p.m. on the second full day on which the Clerk's office is open for business after the official canvass of the vote. Such petition shall be accompanied by a deposit as set by the City Commission, which shall be returned to the petitioner if on a recount the candidate shall have been found to have been lawfully elected or the proposition to have carried, otherwise such deposit shall be paid into the general fund of the City. Upon the receipt of such a petition for a recount, the City Clerk, City Attorney, and City Assessor, on the same day or soon thereafter as may be, shall open the counter compartments of the voting machines used in said election, and, without unlocking the machine against voting, re-canvass the votes cast thereon. The City Clerk, City Attorney, and City Assessor shall then report the results of said re-canvass to the City Commission, which shall enter the results of said re-canvass in the journal of its proceedings and shall determine what person or persons are elected, and what proposition or propositions have been carried.

Section 30. Notwithstanding any provision in this chapter, when there is a conflict between this chapter and the Michigan Election Law, Public Act 116 of 1954, as amended, or its equivalent, Michigan Election Law controls.

**The full text of the proposal amending Chapter Three, Section 4 and Chapter Four, Sections 1, 17, 20, 22 and 30 and adding Section 20A to the Royal Oak City Charter is as follows (additions capitalized, deletions stricken):**

CHAPTER THREE  
Form of Government

Section 4. The Mayor of the City shall be elected for the term of two years. In the Biennial City Election of 1947 the six candidates receiving the highest number of votes for the Commission shall be elected as Commissioners, the three highest to serve for a term of four years, the other three for a term of two years; thereafter, the three candidates for Commissioner receiving the highest number of votes shall be elected to serve a term of four years. The Commission shall be the judge of the election and qualification of its own members. The term of all elective officers shall commence at 12:00 noon on the third Monday in November following their election except as hereinafter provided for the first election under this Charter. HOWEVER, 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, CANDIDATES FOR MAYOR AND CITY COMMISSION SHALL BE DETERMINED IN THE MANNER PRESCRIBED IN SECTION 20A.

CHAPTER FOUR  
Registration, Nomination, Election, and Recall

Section 1. The provisions of the Michigan Election Law, AS NEARLY AS MAY BE, AND except as herein otherwise provided, shall apply to and control the registration of electors and the conduct of elections in the City of Royal Oak. 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 20; OTHERWISE, THE MAYOR AND CITY COMMISSIONERS SHALL BE ELECTED IN THE MANNER PRESCRIBED IN SECTION 20.

Section 17. The official ballot language shall be substantially as follows:

FOR MAYOR  
(Vote for One)  
(Names of Candidates)

FOR CITY COMMISSIONER  
(Vote for Six) (in the 1947 Election)  
(Vote for Three) (after 1947)  
(Names of Candidates)

TO FILL A VACANCY IN OFFICE OF

---

FOR UNEXPIRED TERM

(To be used only when necessary).  
(Names of Candidates)

The official ballot for absentee voters and for use in case of emergency when for any reason voting machines cannot be used, shall be similar to form as above and shall also bear the following heading:

CANDIDATES FOR THE CITY OFFICES FOR THE CITY OF  
ROYAL OAK AT THE REGULAR MUNICIPAL ELECTION.  
(Place a cross, "X", or checkmark in the square opposite  
The names of the persons for whom you desire to  
Vote for the respective offices.)

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 OFFICIAL BALLOT LANGUAGE SHALL BE IN THE MANNER DETERMINED BY THE CITY CLERK, IN CONSULTATION WITH THE APPROPRIATE ELECTIONS

OFFICIAL WITH THE STATE AND COUNTY; PROVIDED, HOWEVER, THAT THE FORMAT SHALL PROVIDE TO ELECTORS THE ABILITY TO RANK AS MANY CHOICES AS ARE FEASIBLE.

Section 20. The person receiving the greatest number of votes for any office in the City shall be deemed to have been duly elected to such office; and if there be no choice for any office, by reason of two or more candidates having received an equal number of votes, the City Board of Canvassers shall, at the meeting mentioned in Section 19, determine by lot between such persons, which shall be considered elected to such office. 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 20A.

SECTION 20A. 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 SEATS REMAINING 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.
- (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. IF IT IS NOT FEASIBLE FOR VOTERS TO RANK ALL OF THE CANDIDATES NOMINATED, THEN VOTERS SHALL BE ALLOWED TO RANK THE MAXIMUM NUMBER THAT IS FEASIBLE.

IN THE EVENT STATE LAW ALLOWS FOR THE USE OF RANKED CHOICE VOTING AS PROVIDED IN THIS SECTION FOR THE ELECTION OF CITY OFFICERS, AND UNTIL SUCH TIME AS 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 CANDIDATES WITH THE HIGHEST NUMBER OF VOTES IN THEIR RESPECTIVE RACE SHALL BE ELECTED OR NOMINATED.

Section 22. A recount of the votes cast at any City election for any office or upon any proposition may be had in accordance with the provisions of the Michigan Election Law, AS NEARLY AS MAY BE, AND IN ACCORDANCE WITH THE PROVISIONS OF THIS CHARTER. Any petition for a recount of the votes cast at any City election shall be filed with the City Clerk by 5:00 p.m. on the second full day on which the Clerk's office is open for business after the official canvass of the vote. Such petition shall be accompanied by a deposit as set by the City Commission, which shall be returned to the petitioner if on a recount the candidate shall have been found to have been lawfully elected or the proposition to have carried, otherwise such deposit shall be paid into the general fund of the City. Upon the receipt of such a petition for a recount, the City Clerk, City Attorney, and City Assessor, on the same day or as soon thereafter as may be, shall open the counter compartments of the voting machines used in said election, and, without unlocking the machine against voting, re-canvass the votes cast thereon. The City Clerk, City Attorney, and the City Assessor shall then report the results of said re-canvass to the City Commission, which shall enter the results of said re-canvass in the journal of its proceedings and shall determine what person or persons are elected, and what proposition or propositions have been carried.

Section 30. Notwithstanding any provision in this chapter, when there is a conflict between this chapter and the Michigan Election Law, Public Act 116 of 1954, as amended, or its equivalent, Michigan Election Law controls, AS NEARLY AS MAY BE, EXCEPT WITH RESPECT TO THE MANNER OF TABULATING VOTES SET FORTH IN SECTIONS 20 OR 20A, WHICHEVER IS APPLICABLE.