

## RESOLUTION CC-2016-3

"A RESOLUTION PROPOSING AMENDMENT OF ARTICLE VI, ELECTIONS, BY AMENDING SECTION 6-1; SECTION 6-3; SECTION 6-4; AND SECTION 6-6, OF THE STILLWATER CITY CHARTER AND AUTHORIZING THE MAYOR TO SIGN AND ISSUE AN ELECTION PROCLAMATION CALLING FOR A SPECIAL ELECTION IN THE CITY OF STILLWATER."

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA:

### Section 1:

The following amendments to the Charter of the City of Stillwater, Oklahoma, are hereby proposed by the City Council of said City and shall be submitted to the qualified voters of said City at the next City General Election, to-wit: **April 5, 2016**, in accordance with the Stillwater City Charter and applicable state laws. It is the purpose and intention of this Council to adopt this resolution for the purpose of calling and holding said election in order that these proposed amendments shall be submitted to the qualified voters of the City of Stillwater on said date and the same shall be effective if approved by a majority of the votes cast thereon by the qualified voters of the City of Stillwater voting at said election.

### Section 2:

The proposed amendments to the Charter of the City of Stillwater, Oklahoma, shall read as follows, to-wit:

#### **Section 6-1. - Annual elections—Three-year terms—Election at large—Nonpartisan elections.**

~~A primary election and a general election and runoff election~~ shall be proclaimed every year.

The councilors elected hereafter shall be numbered one (1), two (2), three (3) and four (4).

In 1970 and every third year thereafter, a mayor shall be elected for a term of three (3) years. In 1968 and every third year thereafter, councilor no. 1 and councilor no. 2 shall be elected for a term of three (3) years. In 1969 and every third year thereafter, councilor no. 3 and councilor no. 4 shall be elected for terms of three (3) years.

The terms of the mayor and other councilors shall begin at noon (12:00 p.m.) on the first Monday following certification of the election results by the election board secretary. If a mayor-elect or a councilor-elect fails to qualify within one (1) month after the beginning of his or her term, his or her election shall be void.

The mayor and other councilors shall serve for the terms for which they are elected and until their successors are elected and qualify. No person shall be elected to the city council for more than two (2) full terms in succession. A mayor or councilor elected pursuant to section 2.10 to complete the unexpired term of another mayor or councilor shall not be disqualified from seeking election to two (2) additional successive full terms as provided herein.

#### **~~Section 6-3. - Primary election: Time, voting, who nominated or elected, etc.~~**

~~A primary election shall be held every year to nominate candidates for mayor or councilor to succeed the mayor or councilors whose terms are expiring, as the case may be. The date of the primary election shall be established by the general election laws of the State of Oklahoma, or in the absence of such legislation, by ordinance. Every qualified elector of the city shall be entitled to vote for one (1) candidate for each office to be filled. The instruction "Vote for one" shall be placed between the title of the office and the names of the candidates. The two (2) candidates receiving the greatest number of votes for any office shall be nominated; provided that, if one (1) candidate for a particular office receives a majority all the votes cast for all the candidates for that office,~~

~~he or she shall be not only nominated, but also elected ipso facto; and his or her name shall not be placed on the ballot for the general election. In case of failure to nominate because of a tie, the nominee or nominees shall be determined fairly by lot in a meeting of the county election board, and under its direction, from among the candidates tying.~~

~~If there is only one (1) candidate for a particular office at a primary, the candidate shall be not only nominated, but also elected ipso facto; and his or her name shall not appear on the ballots for either the primary or the general election.~~

~~If, because of death or withdrawal after the primary and before the general election, there is only one (1) nominee for a particular office left, the nominee remaining shall be elected ipso facto; and his or her name need not appear on the ballot for the general election.~~

#### **Section 6-4. - General election: Time, voting, who elected, runoff election, ipso facto election.**

A general election shall be held every year to elect a mayor or councilors to succeed the mayor or councilors whose terms are expiring, as the case may be. The date of the general election shall be established by the general election laws of the State of Oklahoma, or in the absence of such legislation, by ordinance. Every qualified elector of the city shall be entitled to vote for one (1) candidate for each office to be filled ~~but may not vote for any person except those nominated in the primary. from the candidates listed on the ballot; write in votes are prohibited and shall not be counted.~~ The instruction "Vote for one" shall be placed between the title of the office and the names of the candidates.

The candidate receiving a majority of all the votes cast for the office of mayor or councilor, as applicable, shall be elected. Should no candidate receive a majority of all of the votes cast, then the two candidates receiving the highest number of votes cast for that office shall proceed to a runoff election to be held on a date specified in the proclamation declaring the general election. Should the runoff election result in a tie, the winner of the election shall be determined fairly by lot in a meeting of the county election board, and under its direction, from among the candidates tying. "Majority" as set forth herein shall mean fifty percent (50%) of all votes cast plus one (1).

The term of any candidate elected ipso facto shall commence at noon (12:00 p.m.) on the first Monday following the general election.

#### **Section 6-6. - When primaries and general elections are not held.**

If there are no candidates for mayor or councilor to be voted upon, and no questions to be voted upon, ~~at a primary election or a general election,~~ then the election shall not be held.

#### **Section 3:**

In accordance with Title 11, Oklahoma Statutes, Section 13-111, the proposed Charter amendments, as above set forth, shall be filed with the City Clerk of the City of Stillwater, Oklahoma. The proposed Charter amendments and an announcement of the date for the charter election shall be published once per week in a newspaper of general circulation in said City of Stillwater for at least three (3) consecutive weeks. The election shall be held no less than twenty (20) days nor more than thirty (30) days after the last publication thereof.

#### **Section 4:**

The ballot title shall read as follows:

#### PROPOSITION NO. 1

(Proposed Charter Amendment--Article VI, Sections 6-1, 6-3, 6-4, and 6-6)

This amendment ends the annual city primary election; it provides for an annual city general election and an "if needed" runoff election if no candidate for city office receives

a majority of the vote; it defines "majority" and provides a way to pick the winner if a tie vote occurs at the runoff election.

\_\_\_\_\_ YES, FOR THE AMENDMENT

\_\_\_\_\_ NO, AGAINST THE AMENDMENT

**Section 5:**

If a majority of the registered qualified voters of the City of Stillwater voting on the question vote in the affirmative, the proposed Charter amendments shall be properly certified and presented to the Governor of the State of Oklahoma for approval.

**Section 6:**

The City Council of the City of Stillwater, Oklahoma, a municipal corporation, in open session at its Regular Council Meeting on the 1st day of February, 2016, hereby authorizes the Mayor of the City of Stillwater, Oklahoma, to issue and sign a Proclamation calling for a Special Election on the 5th day of April, 2016, for an election on this resolution proposing amendment of the Charter of the City of Stillwater, Oklahoma.

PASSED, APPROVED AND ADOPTED this 1st day of February, 2016.

\_\_\_\_\_  
GINA J. NOBLE, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 1ST DAY OF FEBRUARY,  
2016.

\_\_\_\_\_  
JOHN E. DORMAN  
CITY ATTORNEY

**ELECTION PROCLAMATION AND NOTICE**

Under and by virtue of the authority vested in me by the Constitution and Laws of the State of Oklahoma and the Charter of the City of Stillwater, Oklahoma, I, Gina J. Noble, the duly elected and acting Mayor of the City of Stillwater, Oklahoma, do hereby, in accordance with Resolution CC 2016-3 of the City Council of the City of Stillwater dated February 1, 2016, authorizing the calling of an election on the propositions set forth in said resolution, and in accordance with Resolution CC-2015-24 calling for primary and general elections to be held on February 9, 2016 and April 5, 2016, respectively, proclaim and give notice that the proposed amendment(s) to the City Charter set forth in Resolution CC-2016-3 adopted by the City Council on February 1, 2016, shall be placed on the April 5, 2016 general election ballot, as mandated by State Law and City Charter.

**GENERAL ELECTION:** The following propositions shall be placed on the general election ballot:

**PROPOSITION NO. 1**

(Proposed Charter Amendment--Article VI, Sections 6-1, 6-3, 6-4, and 6-6)

This amendment ends the annual city primary election; it provides for an annual city general election and an "if needed" runoff election if no candidate for city office receives a majority of the vote; it defines "majority" and provides a way to pick the winner if a tie vote occurs at the runoff election.

\_\_\_\_\_ YES, FOR THE AMENDMENT

\_\_\_\_\_ NO, AGAINST THE AMENDMENT

This question shall be placed on the same ballot as the candidate race for Councilor Seat No. 1 on April 5, 2016.

**REGISTERED QUALIFIED VOTERS:** Only voters residing in the City of Stillwater who have the qualifications prescribed for voters by the Constitution and Laws of the State of Oklahoma, and who are registered as required by law, may vote in the Election.

**POLLING PLACES AND HOURS:** Said Election shall be held at the usual polling places and conducted by the regular election officials as designated by the County Election Board of Payne County, Oklahoma. Polls will be open at the hour of 7:00 o'clock A.M. and close at the hour of 7:00 o'clock P.M.

Such election shall be conducted by those precinct officers designated by the County Election Board of Payne County, Oklahoma, which officers shall also act as counters and certify the results thereof as required by law.

The number and location of the polling places for the election shall be the same as prescribed by the County Election Board for state and county elections and shall include all precincts totally or partially within the city limits of the City of Stillwater, Oklahoma.

DATED this 1st day of February, 2016.

THE CITY OF STILLWATER, OKLAHOMA

\_\_\_\_\_  
GINA J. NOBLE, MAYOR

ATTEST:

\_\_\_\_\_  
ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 1st DAY OF FEBRUARY, 2016.

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JOHN E. DORMAN, CITY ATTORNEY