



Legislation Text

File #: O-1718-4, Version: 1

CONSIDERATION OF ORDINANCE O-1718-4 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, ON THE 14TH DAY OF NOVEMBER, 2017, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF NORMAN THE QUESTION OF APPROVING OR REJECTING ORDINANCE O-1718-3, WHICH ORDINANCE AMENDS ARTICLE II, SECTIONS 2, 5, 6, AND 10 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATE TO RENAMING THE GENERAL OR PRIMARY ELECTION AS THE MUNICIPAL ELECTION FOR CONSISTENCY WITH OTHER CHARTER PROVISIONS, ALLOWING MUNICIPAL ELECTIONS CONDUCTED BY THE CLEVELAND COUNTY ELECTION BOARD TO BE SET ON DATES ALLOWED UNDER APPLICABLE STATE LAW WHILE SPECIFYING A PREFERENCE FOR MUNICIPAL ELECTIONS TO BE CONDUCTED IN FEBRUARY AND MUNICIPAL RUNOFF ELECTIONS TO BE CONDUCTED IN APRIL, AND PROVIDING ADDITIONAL FLEXIBILITY IN THE SELECTION OF FILING DATES EACH YEAR SO THAT THEY ARE COMPATIBLE WITH STATE LAW NOTICE REQUIREMENTS FOR MUNICIPAL ELECTIONS CONDUCTED BY THE CLEVELAND COUNTY ELECTION BOARD; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND: The City Council Oversight Committee has discussed potential amendments to the City Charter to address election dates and election filing dates that are inconsistent with State Law requirements for City Council elections that are conducted by the Cleveland County Election Board. The Oversight Committee discussed these issues and others on March 16, 2017, and May 30, 2017. In addition, at its conference on July 11, 2017, the Council weighed in on the recommendations by the Oversight Committee. At its July 18, 2017, Council Study Session, City Council requested that Staff prepare proposed Charter amendments amending Sections 2, 5, 6, and 10 of Article II of the City Charter to provide language renaming terminology so that it is consistent with other language in the City Charter and to amend the provisions regarding municipal election dates and filing dates to provide additional flexibility so that they are consistent with those allowed by state law and do not have to be amended every time state law changes.

DISCUSSION: The City of Norman has functioned as a Charter City with Charter-governed municipal elections conducted by the Cleveland County Election Board for years without much conflict between the City's specific Charter provisions and the requirements imposed by state law. There had previously not been much change in statutory procedure until the last 10-15 years.

The City's Charter provisions regarding municipal elections have previously been amended in 2005 and 2011 to in response to state law changes regarding municipal elections. Senate Bill ("SB") 399 passed in 2015 modified the notice requirements for a municipality to notify the local county election board of a candidate election. In 2016, SB 312 amended 26 O.S. 3-101, pertaining to political subdivision officer elections conducted by county election boards, to limit potential election dates to only specific enumerated dates.

Prior to the passage of SB 312, municipalities had more options for election dates, and, in recent history, the City's elections have been held in April and June each year. The SB 312 amendments substantially restricted the options for odd-numbered years, providing only two potential election dates that occur before Councilmembers take their oath of office in July, those being the second Tuesday of February in any year and the first Tuesday of April in any year. The only other dates available for odd-numbered years are in September and November, both occurring after the July expiration of the prior terms of office under the City's Charter.

The combination of the additional notice and timeline provisions added by SB 399, coupled with the more limited election date options (especially for odd-numbered years) modified by SB 312, is problematic for the current January filing dates specified by Charter. For odd-numbered years, the additional notice period added in state law mandates a filing period in December for February general elections. In order to have a February general election and April runoff election so that new Councilmembers are elected before their terms begin in July, a filing period earlier than the one in January referred to in the Charter would be required.

The proposed amendments to Section 10 of Article II of the City Charter removes the specific January filing dates and provides Council with flexibility to select the filing dates each year by resolution in accordance with dates that are currently allowed state law. Sections 2 and 10 also contain clean-up language renaming the “general” or “primary” election as the “municipal election” to be consistent with other provisions in Article II of the City Charter. Sections 5 and 6 pertaining to election dates of the municipal election and municipal runoff election, respectively, are being amended to allow municipal elections conducted by the Cleveland County Election Board to be set on dates allowed under applicable state law while specifying a preference for a February/April municipal election/municipal runoff election cycle to provide consistency among the ward races. This group of amendments collectively are being proposed to address the current inconsistencies with state law and to provide Council maximum flexibility to select election dates with state law without the need to keep amending the City Charter every time the state election laws change.

RECOMMENDATION: Staff recommends approval of Ordinance O-1718-4 upon Second and Final Reading.