

## AGENDA REPORT

TO: Mayor Pat Humphrey and the Clare City Commission  
FROM: Jeremy Howard, City Manager  
DATE: February 26, 2026  
RE: Discussion Topic – Attorney Opinion – Charter Language for Commission Meetings

For the Agenda of March 2, 2026

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Background. Recently the City Commission inquired about the option to potentially meet once a month instead of twice a month. Currently the city charter has language relating to the time, place, and frequency of City Commission meetings, so staff reviewed potential options and solutions related to this topic. The City Attorney has prepared a Confidential Legal Opinion which was shared with the City Commission on this issue. The discussion tonight is for further conversation related to potential options to possibly accomplish this change and potential next steps if the Commission decides they may want to pursue the option that would change the specific language in the Charter. If that is the case, it is an extensive process with the procedures outlined in the attached documents.

Issues & Questions Specified. Should the City Commission discuss the topic related to the number of meetings per month for the City Commission?

Alternatives.

1. Direct Staff to take next steps to implement solutions.
2. Do not direct Staff to implement solutions.
3. Defer/delay/postpone direction to Staff to take steps to implement solutions.

Financial Impact. Costs are unknown at this time, but depending if/when a charter change was put on the ballot there could be substantial costs related to the election depending on when the election is held.

Recommendations. I recommend that the City Commission hold a discussion on the topic of City Commission meeting times/dates/frequency.

Attachments.

1. Attorney General Charter Amendment Guidance
2. MCL-117-21 Home Rule City Act Charter Amendment Procedure
3. MML Charter Revision Guidance
4. MML Charter Amendment Summary

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30212  
LANSING, MICHIGAN 48909

**DANA NESSEL**  
ATTORNEY GENERAL

January 24, 2022

**By email only**

Michigan Department of State  
Bureau of Elections  
ATTN: Jonathan Brater  
P.O. Box 20126  
Lansing, MI 48901-0726

Re: Charters and Charter Amendments

Dear Mr. Brater:

I am sending you this letter regarding the procedures for review by the Attorney General of proposed charters and charter amendments of cities and villages. This letter is intended to be a companion to the letter of the Governor's office of August 30, 2021, regarding the Governor's policies for review of charters and charter amendments proposed for election this year. (Enclosure—August 30, 2021 letter.)

**City charter amendment reviews**

The Attorney General reviews the ballot question and any additional ballot language for a charter amendment pursuant to Section 21(2) of the Home Rule City Act (HRCA), MCL 117.1 *et seq.*, for accuracy, impartiality, and being limited to not more than 100 words (“ . . . not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question.”).

In addition, each proposal for a charter amendment must be confined to a single subject which may involve changes to numerous sections of a charter due to the subject involved, such as when restating a charter in gender neutral terms, dropping or adding a primary election, or going from or to council members elected at large or by district. See Section 21(3) of the HRCA (“A proposed charter amendment shall be confined to 1 subject. If the subject of a charter amendment

includes more than 1 related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each proposition.”).

During this review, the Attorney General is also reviewing the legality of the proposed amendment at the request of the Governor, which continues a custom of previous Governors requesting such a review by the Attorney General.

As soon as a review is completed, the Attorney General sends a letter to the Governor with copies to the city officials setting forth the conclusions of the Attorney General as to whether a proposed amendment and the proposed ballot language for that amendment are consistent with the requirements of the HRCA.

### **Village charter amendment reviews**

There is no requirement for review of ballot language by the Attorney General in the Home Rule Village Act (HRVA), MCL 78.1 *et seq.* However, the Attorney General does conduct a review of the legality of a proposed amendment at the request of the Governor who has continued the tradition of previous governors requesting such reviews. As soon as this review is completed, the Attorney General sends a letter to the Governor, with copies to the village officials, setting forth the conclusions of the Attorney General as to whether a proposed amendment is consistent with the requirements of the HRVA, which include notice and publication of such amendments prior to their adoption by a village council per Section 17 of the HRVA (“When the amendment originates in the legislative body [of the village], it shall be published and remain on the table for 30 days before action is taken thereon. The form in which any proposed amendment to a village charter shall be submitted on the ballot, unless provided for in the initiatory petition, shall be determined by resolution by the legislative body [of the village].”).

### **City and Village charter reviews**

The Attorney General conducts reviews of proposed city and village charters at the request of the Governor who has continued the practice of previous Governors in seeking a legal review by the Attorney General. As soon as this review is completed, the Attorney General sends a letter to the Governor, with copies to the charter commission and its advisor, setting forth the conclusions of the Attorney General as to whether a proposed charter is consistent with the requirements of the applicable act—the HRCA for proposed city charters, and the HRVA for proposed village charters.

### **Additional Considerations**

First, the Attorney General will conduct reviews as expeditiously as is feasible under the circumstances until completed unless the request for review is withdrawn by a city or village governing body that proposed a charter amendment or a charter commission that proposed a charter. With respect to amendments proposed by initiative petition, the Attorney General will review all such petitions referred to the Attorney General by the Governor for review until completion or the Governor's closing out of a pending request for review to the Attorney General due to intervening circumstances such as a determination of insufficient valid signatures in support of the initiative petition by the city or village clerk.

Second, Assistant Attorneys General in the State Operations Division will continue to provide informal comments and questions during a review to an attorney representing the governing body of a city or village that has adopted and submitted to the Governor and Attorney General a proposed charter amendment and to an attorney or advisor to a charter commission that has adopted and submitted to the Governor and Attorney General a proposed charter.

Third, Assistant Attorneys General in the State Operations Division will continue to provide informal comments and questions to city and village attorneys regarding proposed charter amendment resolutions that they are drafting to the extent feasible since such informal comments and questions help to expedite the formal review process of a proposed city or village charter amendment adopted by a city or village governing body.

Fourth, it is not realistic to anticipate that the review of the Attorney General will occur within less than 30 days for even the most straight forward charter amendment or in less than 90 days for a proposed charter. For charter amendments, the length of time for a review tends to be longer where numerous, novel, or complex amendments are being proposed. Similarly, for a charter, the review time is generally much longer than 90 days.

Fifth, for questions or concerns regarding reviews conducted by the Attorney General, city and village officials should contact AAG George Elworth of the State Operations Division, at 517-335-7573 or [elworthg@michigan.gov](mailto:elworthg@michigan.gov).

### **Conclusion**

Thank you for your assistance in making this information available to election officials of cities and villages as well as to county election officials, and others working with the Bureau of Elections in the administration of elections in

Bureau of Elections, MDOS  
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January 24, 2022

this state. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

*John VanDeventer*

John VanDeventer  
Chief Legal Counsel

Enc. Letter of August 30, 2021, from Alicia Moon—Deputy Legal Counsel to the Governor—to Jonathan Brater, Bureau of Elections, MDOS

cc by email only, with enc.:

Alicia Moon, Governor's Deputy Legal Counsel  
Kristina Gierhart, Executive Assistant, Governor's Office  
Michigan Municipal League, [info@mml.org](mailto:info@mml.org)  
Michigan Association of Municipal Clerks, President Mary Clark,  
[MClark@DeltaMi.gov](mailto:MClark@DeltaMi.gov)  
Michigan Association of Municipal Attorneys, Chris Johnson,  
[CJohnson@mml.org](mailto:CJohnson@mml.org)  
State Bar of Michigan, Government Law Section, Chairperson Helen Mills,  
[hmills@fsbrlaw.com](mailto:hmills@fsbrlaw.com)  
Heather Meingast, Division Chief of Attorney General Civil Litigation,  
Elections, and Employment Division  
Jessica McGivney, Division Chief of Attorney General State Operations  
Division

Attachment



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GRETCHEN WHITMER  
GOVERNOR

GARLIN GILCHRIST II  
LT. GOVERNOR

August 30, 2021

*VIA EMAIL*

Michigan Department of State  
Bureau of Elections  
ATTN: Jonathan Brater  
P.O. Box 20126  
Lansing, MI 48901-0726

RE: **Charter Amendments and Revisions**

Dear Mr. Brater,

I am writing to request your assistance in notifying municipalities across Michigan of our administration's policy and recommendations regarding charter amendments and revisions.

Under the Home Rule City Act (MCL 117.22) the Governor has the responsibility to review all proposed charter amendments and revisions before any such amendment or revision is presented to the electors. Separately, under Michigan Election Law (MCL 168.646a) municipalities must submit ballot language regarding a proposed charter amendment or revision to the local clerk for certification not later than 4 p.m. on the twelfth Tuesday before the election.

It is a priority of Governor Whitmer's administration to review and respond to proposals by or before this first election filing deadline. It has also been our practice to request the Department of Attorney General review all submissions to our office for compliance with state law. This review takes time and historically guidance has recommended materials be submitted 60 – 90 days prior to the filing deadline to ensure sufficient time to review.

Starting in 2022, our office **will not approve proposed charter amendments or revisions after 4 p.m. on the twelfth Tuesday before the election.** (We will approve changes that fix scrivener's errors for charter amendments and revisions already approved by the deadline.)

We therefore strongly recommend submission of all proposed charter amendments to our office at least **60 days prior** to the filing deadline and strongly recommend submission of all proposed charter revisions to our office at least **90 days prior** to the filing deadline. We are requesting your assistance in notifying municipalities across Michigan of this policy and request.



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GRETCHEN WHITMER  
GOVERNOR

GARLIN GILCHRIST II  
LT. GOVERNOR

Proposed amendments and revisions can be sent to our office via email at [Gretchen.Whitmer@michigan.gov](mailto:Gretchen.Whitmer@michigan.gov).

While we prefer email submission, we will also accept submissions sent via mail to:

Governor Gretchen Whitmer  
ATTN: Legal Division  
George W. Romney Building  
111 S. Capitol Avenue  
Lansing, MI 48933

Please note, the Department of Attorney General has an independent obligation to review proposed ballot language under the Home Rule City Act. The Department of Attorney General will continue using their historical process moving forward. For questions about the Department of Attorney General's process, please contact Assistant Attorney General George Elworth at (517) 335-7573 or [ElworthG@michigan.gov](mailto:ElworthG@michigan.gov).

Thank you for your hard work on behalf of Michiganders and for your continued partnership and commitment to improving the lives of residents. If you have questions on the Governor's process, please feel free to contact Kristina Gierhart, Executive Assistant for the Governor's Office of Legal Counsel, at [GierhartK1@michigan.gov](mailto:GierhartK1@michigan.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Alicia Moon".

Alicia Moon  
Deputy Legal Counsel  
Office of Governor Whitmer

c: Michigan Municipal League  
Michigan Association of Municipal Clerks  
Michigan Association of County Clerks  
Michigan Association of Municipal Attorneys  
State Bar of Michigan, Government Law Section  
Department of Attorney General, State Operations Division

**THE HOME RULE CITY ACT (EXCERPT)**  
**Act 279 of 1909**

**117.21 Charter amendment; procedure.**

Sec. 21.

(1) An amendment to an existing city charter, whether the charter was adopted under this act or formerly granted or passed by the legislature for the government of a city, may be proposed by the legislative body of a city on a 3/5 vote of the members-elect or by an initiatory petition. If the amendment is proposed by the legislative body of the city, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election, or at a special election, held not less than 60 days after the proposal of the amendment. If the amendment is proposed by an initiatory petition, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election held in the city not less than 90 days after the filing of the petition.

(2) Proposed charter amendments and other questions to be submitted to the electors shall be published in full with existing charter provisions that would be altered or abrogated by the proposed charter amendment or other question. The purpose of the proposed charter amendment or question shall be designated on the ballot in not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question. The text of the statement shall be submitted to the attorney general for approval as to compliance with this requirement before being printed. In addition, the proposed charter amendment in full shall be posted in a conspicuous place in each polling place. The form in which a proposed charter amendment or question shall appear on the ballot, unless provided for in the initiatory petition, shall be determined by resolution of the legislative body, and if provided for by the initiatory petition, the legislative body may add an explanatory caption.

(3) A proposed charter amendment shall be confined to 1 subject. If the subject of a charter amendment includes more than 1 related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each proposition. If a proposed charter amendment is rejected at an election, the amendment shall not be resubmitted for a period of 2 years.

(4) A city charter formerly granted by a different act of the state legislature, including the charter of a city of the fourth class, that adopts or comes under any part of this act by amendment under this section, and not by general revision, adoption, or incorporation under this act, may again be amended under this section, as to the part or parts that are amended, by re-enacting under this section that part or parts of the original act of incorporation that existed before any amendment was made under this act. The part or parts of the original act of incorporation that are re-enacted shall not be construed as operating or coming under the provisions of this act in any manner, it being the intention to permit a city described in this subsection, to adopt by amendment any part of the provisions of this act permissible or to withdraw from the provisions of this act.

(5) Propositions and questions shall be proposed, initiated, submitted and canvassed in a manner similar to that provided for charter amendments.

**History:** 1909, Act 279, Eff. Sept. 1, 1909 ;-- Am. 1911, Act 203, Eff. Aug. 1, 1911 ;-- Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913 ;-- CL 1915, 3324 ;-- Am. 1917, Act 6, Imd. Eff. Mar. 9, 1917 ;-- Am. 1917, Act 40, Eff. Aug. 10, 1917 ;-- Am. 1917, Act 232, Imd. Eff. May 10, 1917 ;-- Am. 1919, Act 403, Eff. Aug. 14, 1919 ;-- Am. 1929, Act 279, Eff. Aug. 28, 1929 ;-- CL 1929, 2257 ;-- Am. 1939, Act 279, Eff. Sept. 29, 1939 ;-- Am. 1947, Act 1, Imd. Eff. Jan. 23, 1947 ;-- Am. 1947, Act 87, Imd. Eff. May 12, 1947 ;-- CL 1948, 117.21 ;-- Am. 1955, Act 117, Eff. Oct. 14, 1955 ;-- Am. 2003, Act 303, Eff. Jan. 1, 2005

**Compiler's Notes:** Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1. The 1911 amendment reads as follows: "Sec. 21. Any existing charter, whether passed pursuant to the provisions of this act or by the State legislature, may from time to time be amended as follows: An amendment may be proposed by the legislative body on a two-thirds vote of the members-elect or by an initiatory petition as herein provided, and shall be submitted to the electors as herein provided at the next general or special election. When it originates in the legislative body it shall be published and remain on the table for thirty days before action is taken thereon. The form in which any proposed amendment shall be submitted on the ballot, unless provided for in the initiatory petition, shall be determined by the legislative body."

## City Charter Revision

Updated January 2016

Revising a city charter may be accomplished under the Home Rule City Act (PA 279 of 1909). Originally, charter revision was important because it enabled existing cities, operating under legislative charters, to come under the new Home Rule Act and acquire the benefits of home rule status. The form of government written into the new charter was usually of secondary importance in early days. Now, however, nearly all cities are under the Home Rule Act. Nevertheless, charter revision is still important. Many charter changes can be accomplished by charter amendment (see MML publication, *One Pager Plus* Fact Sheets on charter amendment), but those which effect a change in the form of government cannot be implemented by amendment. Such changes require charter revision.

The procedure for revising a city charter is covered in sections 15, 18, 19, 20, 22, 23, 24, and 25 of the Home Rule City Act (MCL 117.15 et seq.). (See Appendix C.)

Charter revision procedure can be started either by resolution of the city legislative body (adopted by a three-fifths vote of the total membership of the body) or by the petition method as outlined in section 25 of the Home Rule City Act. Once the procedure is begun, however, subsequent steps are identical.

The election on the question of having a charter revision may be held separately or simultaneously with the election of charter commissioners. It is more expensive to have two elections, so simultaneous election of charter commissioners is the generally favored practice. The Act provides that the election of the charter commissioners is (quite necessarily) void if the proposition to revise is not adopted.

Where the election on the proposition to revise is held separately, then the statute directs that the election of the charter commission is to follow within 60 days. Please note that the Home Rule City Act has not been amended to reflect the changes to Michigan's Election Law. Under the Election Consolidation Act, cities are only permitted to hold an election in May, August, and November; and additionally March, in presidential election years.

The qualifications for office for charter commissioner are stated in the Act to be those of an elector having three years' residence in the city. However, the three-year residence requirement was held unconstitutional in *Mogk v City of Detroit*, 335 F. Supp 698, by a three judge Federal District Court, (1971).

The Act further declares that all city officers and employees are ineligible to sit on the charter commission. (No such proscription applies to a charter commission elected to prepare the first charter of a new city under section 15 of the Act and township or village officers and employees in the territory which will comprise the new city may be elected to the charter commission.)

The Attorney General has opined that acceptance of office as a councilmember while serving as a charter commissioner vacates the office of commissioner (OAG 1913, p. 191). The Attorney General has also held that a sitting councilmember may run for election to the charter commission and if elected to charter commissioner must resign the council seat before taking office (OAG 7085, 2001).

The method of electing charter commissioners is unusual. First, in all cases the election must be non-partisan. Secondly, if the city charter already provides for non-partisan elections, as most Michigan charters do, then the method prescribed in the charter for electing city officers is used to elect the charter commissioners. This results in some variation in the election methods followed.

Michigan Municipal League  
Ann Arbor, MI 48105

Phone: 734-662-3246  
Fax: 734-662-8083  
Email: [info@mml.org](mailto:info@mml.org)  
Website: [www.mml.org](http://www.mml.org)

## Home Rule City Act Comparison of Procedure

New City Charter Commissions (Section 15)	Charter Revision Commissions (Section 20)
1. Take oath of office	1. Same - administered by clerk
2. May fill vacancies	2. Same
3. Five members for quorum	3. Majority of members (5)
4. To convene within 10 days after election	4. To convene second Tuesday after election
5. To frame charter in 90 days (Directory only-OAG 1914, p.70)	5. No compensation after 90 days (Doesn't require completion in 90 days - <i>Harvey v Port Huron</i> , 225 Mich. 368)
6. Chooses its officers	6. Same
7. Fixes rules of procedure	7. Same
8. Keeps journal	8. Same
9. Record roll call vote on demand of any one member	9. Record roll call vote on demand of two members unless adopt rule for such action on demand of one
10. Publish charter in newspaper at least one time not less than 2 nor more than 4 weeks before election	10. Published as commission prescribes (section 23)
11. Publish election notice	11. By implication from section 26 the city legislative body does this
12. File charter with clerk 60 days before election (section 5)	12. Same (section 5)
13. Submit charter to governor for approval (section 22)	13. Same (section 22)
14. Meetings must be public and held in compliance with Open Meetings Act (section 15)	14. All sessions shall be public (section 20)

Only in those cases where no provision is made in the charter for non-partisan election of city officers, do the election provisions contained in section 18 of the Home Rule City Act come into operation.

Where no provision is found covering a particular aspect of the election of charter commissioners, either in the Act or in the city charter, then the election is to be conducted as nearly as may be possible as is provided in the General Election Law for the election of city officers.

Note: These materials and forms are designed to provide general assistance in a rather technical area. In all cases, your municipal attorney should be consulted before action is taken.

Basically, section 15 of the Home Rule City Act is intended to deal with charter commissions for new incorporations and sections 18, 19, and 20 are intended to deal primarily with charter revision for existing cities. In a few instances, there are some minor inconsistencies between the procedural rules for the new city charter commission (section 15) and for the charter revision commission of an existing city (section 20).

### **Charter Revision Commissions**

As indicated previously, there are minor differences between a charter commission elected for an original charter of a new city and a charter revision commission. The sections of the statute applicable to the charter revision commission will be briefly reviewed.

### **Duties of the Local Legislative Body**

Section 19 of the Home Rule City Act (MCL 117.19) provides that in the case of charter revision commissions, the city council shall fix, in advance of the election of a charter commission, the following:

- (1) Place of meeting
- (2) Compensation for commissioners
- (3) Amount of money to be allowed for expenses of the charter commission
- (4) Provide the ballots for the election of commissioners

No special procedure for carrying out these directions is prescribed. Normally, one or more resolutions would be adopted attending to these matters (See Appendix A).

### **Duties of the Charter Commission**

Section 20 of the Home Rule City Act (MCL 117.20) prescribes rules for operation of the charter revision commission in a manner somewhat similar to that prescribed in section 15 for the charter commissions for new cities (See page 2).

### **Advisory Votes and Special Options**

These procedural sections contain certain provisions which go to the substance of charter drafting. While the principal rules for drafting are delineated in the early sections of the Home Rule City Act which contain both mandatory and optional provisions as well as limitations on powers which can be granted cities, certain options contained in the procedural sections cannot be overlooked.

Among these are the provisions for certain advisory votes on questions which can be submitted to the electors in conjunction with the vote on the initial proposal to revise the charter (section 18). Advisory votes may be taken on the form of government (e.g. council-manager to strong mayor form or vice versa) or on retaining special powers, limitations or provisions

in an existing legislative charter. The statute uses the term "advisory" in referring to this vote and no authoritative interpretation has been had as to the effect of such a vote. Also, in section 18, the power is specifically given to the charter commission to continue any power, limitation, or provision in an existing legislative charter whether or not there has been any "advisory" vote on the subject. Independent propositions or alternate provisions may be submitted along with the charter (MCL 117.23).

### **Election Procedures**

Suggested forms for the resolution to be adopted by the city legislative body calling for an election on the question of charter revision and a petition form for initiating this procedure as an alternate to city legislative body action, are set forth as Appendices "A" and "B". The exact form of such resolutions is not specified by the statute. Some resolutions spell out the provisions for notice of last day for filing of nominating petitions, notice of last day for registration, notice of election and other provisions in some detail, while other such resolutions simply direct the city clerk to make necessary arrangements to publish necessary notices in accordance with the local charter and laws of the State of Michigan.

There are, of course, a number of requirements in the Michigan Election Law which must be given consideration in arranging for an election of this type. Prior to making such arrangements, the latest amendments to the general election law should be consulted, as changes are frequently made in such laws. The following provisions are especially pertinent:

(1) A time must be set for the deadline for filing nominating petitions. Normally this will be established by the city charter and the charter will govern if it contains a provision on this point. If the charter does not contain any provision establishing a deadline for filing nominating petitions, then apparently the deadline is set by analogy to sections 322, 551, and 646(a) of the general election law (MCL 168.322, 168.551, and 168.646(a)). If the charter calls for publishing notice of the last day for filing nominating petitions, then such notice must be given. If the charter does not so prescribe, then the giving of special notice is optional. But good practice suggests that it be given on the same basis as other notices (twice in a newspaper of general circulation; first publication not less than ten days prior to last day for filing).

(2) Scheduling. A special election for the submission of a proposition may be held on a regular election date. (MCL 168.635).

(3) Notice of last day for registration must be published as provided in the general election law (MCL 168.498).

(4) Notice of election. To be published in a newspaper of general circulation. A caption or brief description of the proposal or proposals along with the location where an elector can obtain the full text of the proposal or proposals shall be included in the notice. The publication shall be made not less than 7 days before the election. The statute shows form of notice (MCL 168.653(a)).

(5) If a ballot question of a political subdivision of this state including, but not limited to, a county, city, village, township, school district, special use district, or other district is to be voted on at a regular election date or special election, the ballot wording of the ballot question shall be certified to the proper local or county clerk not later than 4 p.m. on the twelfth Tuesday before the election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 82 days before the election. Petitions to place a county or local ballot question on the ballot at the election shall be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk. (MCL 168.646(a)).

Where no provision is made in the city charter for nonpartisan election procedures, then section 18 of the Home Rule City Act governs in nominating charter commissioners. Nonpartisan petitions are to be signed by a number of qualified electors equal to not less than two percent and not more than four percent of the total vote cast for the chief executive officer (mayor). The form for the nominating petition in both cases is prescribed by the General Election Law (MCL 168.544(a), 168.544(c)).

### **Submission to Governor**

Once the charter has been prepared by the charter revision commission, it must be submitted to the governor for approval. The section provides that if the governor approves the charter, he shall sign it and if not, he shall return it to the commission with his objections. This section also covers approval by the governor of proposed charter amendments and states that an amendment may be submitted to the electors if two-thirds of the members elect of the legislative body agree to pass it. No such provision is made for submitting a revised charter to the electors over the governor's objection, but in practice it appears that

the charter commission is authorized to take such action.

Section 5 of the Home Rule City Act (MCL 117.5) prohibits submitting to the electors a revised charter more often than once in every two years. This section also requires that the charter be on file with the city clerk at least 60 days before the election. However, section 18 of the Home Rule City Act (MCL 117.18) as last amended in 1966, provides a somewhat more definite procedure for resubmission of a charter which supersedes section 5 to the extent that resubmission of a revised charter is involved. (Prior to 1966, it was required that a petition signed by registered electors be submitted to the city council in order to obtain a resubmission of a rejected charter.) However, with the 1966 amendment such resubmission is wholly within the control of the charter revision commission. The commission may immediately reconvene and either determine to terminate its existence or to provide for a further revision and amendments to the revised charter previously prepared. It may be resubmitted up to three times but if rejected three times or if no revised charter is adopted for three years following the adoption of the proposition to revise, then the charter revision commission terminates and ceases to exist. If the resubmitted charter contains no material changes, it is unnecessary to obtain a second approval of the governor and to file the charter with the city clerk for 60 days prior to the election, according to the opinion of the Attorney General published in a 1914 report on page 503. The election on resubmission is, however, conducted in the same manner and with like notice and proceedings as required in the first instance.

## **Appendix A**

### Resolutions Calling for Charter Revision

- 1) Model (with optional clauses)
- 2) Detroit Form (adapted to local election procedures; with resolution to compensate charter commissioners)
- 3) Grand Ledge (proposal to revise and set election)
- 4) Ann Arbor Form (separate elections on proposal to revise and to elect commission)

## **Appendix B**

### Petition-Initiated Charter Revision

#### Initiatory Petition for Charter Revision

## **Appendix C**

### Sections of Home Rule City Act Governing Procedure for Charter Revision

**Appendix A**  
**Model Resolution Declaring For Charter Revision**

RESOLVED, That the city council of the City of \_\_\_\_\_ hereby declares for a revision of the charter of the City, as provided and permitted by Public Act No. 279 of the Public Acts of 1909, State of Michigan, as amended.

FURTHER RESOLVED, That the question of having a general charter revision shall be submitted to the electors of the City of adoption or rejection at a special election, to be held concurrently with the general (or municipal) election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FURTHER RESOLVED, That at such election there shall be elected from the City at large a charter commission consisting of nine electors of the City who are not officers or employees of the City, the selection of such charter commission to be void if the proposition to revise is not adopted. The candidates for such charter commission shall be nominated and elected in the manner prescribed by the City Charter for the nomination and election of members of the City Council. (In case the City Charter provides for ward elections, the following may be added—except that the nomination and election of said charter commissioners shall be from the city at large.)

FURTHER RESOLVED, That the City Clerk shall give notice of the last day for registration and the election in the manner provided by law and said question on the revision of the charter of the city shall be submitted to the electors in the following form:

"Shall there be a general revision of the charter of the City of \_\_\_\_\_?"

For the charter revision      yes  
For the charter revision      no"

FURTHER RESOLVED, That the last day and hour for receiving nomination petitions for candidates for the office of charter commissioner shall be 4:00 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. And the city clerk shall make available appropriate non-partisan petition forms and give due notice to the last day and hour for filing petitions by two publications of notice thereof in a paper of general circulation within the city, the first publication to be not less than ten days prior to the last day of filing.

**Optional Clauses**

If the charter does not provide for non-partisan elections, the following should be substituted for the clause relative to nomination and election of charter commissioners.

The candidates for such charter commission shall be nominated by petition without reference to, or designation of, party affiliation, signed by a number of qualified electors of the city equal to not less than two percent and not more than four percent of the total vote cast for mayor at the last preceding election.

**Compensation**

Sometimes a provision for compensation is included in the terms of this resolution. In other cases the city council will adopt a separate resolution establishing compensation. A typical clause dealing with compensation is:

FURTHER RESOLVED, That the charter commissioners elected at this election shall be compensated at the rate of \_\_\_\_\_ (or: serve without compensation). No member shall receive compensation for more than 90 meetings and only for actual attendance. Charter commissioners shall be entitled to incur necessary expenses in connection with the work of the charter commission. The place of meeting for said charter commission shall be \_\_\_\_\_.

**Advisory Vote on Change in Form of Government**

FURTHER RESOLVED, That there shall also be submitted to the electors of the city at such election, for an advisory vote, the question of change in the form of government of the city in accordance with Section 18 of Act 279 of the Public Acts of 1909, as amended. The question of a change in the form of government shall be submitted to the electors in the following form:

"In the event there is a general revision of the charter of the City of \_\_\_\_\_, shall there be a change in the form of government to the \_\_\_\_\_ form of government?"

Yes  
No

**Continuing Special Charter Provision**

FURTHER RESOLVED, That there shall also be submitted to the electors of the city at such election, for an advisory vote, the question of continuing the following provision of the charter of the City of \_\_\_\_\_ in the event said charter is revised. The question of continuing such provision of such charter shall be submitted to the electors at such election in the following form:

"Shall the following provision of Act No. \_\_\_\_\_ of the Public (or local) acts of \_\_\_\_\_, State of Michigan, as amended, be continued as a part of the revision charter of the City of \_\_\_\_\_ in the event the charter of said city is revised:"

(Here set forth the provision to be retained)

**Detroit**  
**Resolution to Revise Charter and Elect Charter Commissioners**

By Councilman Browne:

Resolved, That this Body being the Legislative Body of the City of Detroit, by a three-fifths vote of the members elect, hereby proposes an election on the general revision of the Charter of the City of Detroit, adopted by the people of the City of Detroit on the 25th day of June, A.D. 1918, and filed on the 27th day of June, A.D., 1918, as provided and permitted by Section 18 of Act 279 of the Public Acts of 1909 as amended; and be it further

Resolved, That the question of having a general Charter revision shall be submitted to the electors of the City of Detroit for adoption or rejection at a special election to be held concurrently with the regular primary election scheduled for the 4th day of August, 1970, and be it further

Resolved, That the City Clerk is hereby authorized and directed to give such notice as is required by law of such special election, and of the registration of electors entitled to participate therein; and be it further

Resolved, That the said question shall be submitted to the qualified electors of the City of Detroit, and printed upon the ballot in the following form:

SHALL THERE BE A GENERAL REVISION OF THE CHARTER OF THE CITY OF DETROIT?

Yes

No

and be it further

Resolved, That a special primary election to nominate candidates for the office of charter revision commission be held in the City of Detroit on the 4th day of August, 1970 concurrently with the regular primary election scheduled for that date, and that 4 o'clock in the afternoon of Monday, June 15, 1970, be designated as the last day and hour for filing of nominating petitions of persons desiring to become candidates for said office; and be it further

Resolved, That if the question of having a general revision of the City Charter is adopted, a special election be held on Tuesday, the 3rd day of November, 1970 concurrently with the general election scheduled for that date for the purpose of selecting nine charter revision commissioners; and be it further

Resolved, That the polls for both such special primary election and special election shall be opened from 7 o'clock in the forenoon until 8 o'clock in the evening on each occasion; that the City Clerk be and he is hereby authorized and directed to give regular notice of the dates and place of holding such special primary and special election; and be it further

Resolved, That the polling places throughout the City generally used for the purpose of holding primaries and elections be and are hereby designated as the places for holding the special primary and the special election aforesaid, and the special primary and special election shall be conducted, the votes canvassed, and the returns made in the same manner as at regular primaries and elections.

Approved:

Robert D. McClear  
Acting Corporation Counsel

Adopted as follows:

Yeas - Councilmen Browne, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Ravitz - 9  
Nays - None

Whereas, the question of whether the City of Detroit should have a general charter revision will be placed before the electors of the City at the general primary election to be held August 4, 1970, and

Whereas, concurrently with that primary election a special primary election will be conducted to nominate Charter Revision Commissioners, and

Whereas, this primary election is to be conducted as nearly as possible like the election of city officers, and

Whereas, under the charter of the City of Detroit filing fees are returned to candidates receiving not less than 50 percent of the vote cast for the last candidate nominated, now therefore be it

Resolved, That if the electors determine not to have the charter revised, filing fees will be returned to all candidates seeking nomination as Charter Revision Commissioners-if such procedure is legally permissible, and further

Resolved, that if the electors determine to have the charter revised, filing fees will be returned in the same manner as they are returned in Common Council primaries.

Adopted as follows:

Yeas - Councilmen Eberhard, Levin, Rogell, Tindal, Antwerp, Wierzbicki and President Ravitz – 7; Nays - none

Whereas, the question of whether the City of Detroit will have a charter revision will be placed before the electors of the City at the general primary election to be held August 4th, 1970, and

Whereas, the Charter Revision Commissioners are entitled to compensation for their services, now therefore be it

Resolved that the Charter Revision Commissioners shall be compensated at the rate of \$75.00 per diem for attendance at meetings of the Charter Revision Commission, but not to exceed the number of days permitted by law, and be it further

Resolved, that the City Controller be and he is hereby authorized to honor vouchers pursuant to this resolution from the appropriate account.

Adopted as follows:

Yeas - Councilmen Eberhard, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Ravitz – 7; Nays - none

**Grand Ledge**  
**A Resolution to Propose a General Revision of the City Charter**

A resolution adopted by the Grand Ledge City Council, at a regular meeting held on Monday, 11 January 2016, in the Council chambers, City Hall, 310 Greenwood St. Grand Ledge, Michigan.

**Whereas**, the City of Grand Ledge, Michigan ("City") is a municipal corporation organized under the provisions of the Home Rule City Act, Public Act 279 of 1909, as amended, and is governed by the provisions of the Grand Ledge City Charter adopted 03 January 1963, as amended ("Charter"); and

**Whereas**, the current Charter was originally approved by the Governor on 26 March 1963 and adopted by the City on 01 April 1963, and has been amended on several occasions; and

**Whereas**, the City Council believes that as our community changes in various ways over time, the Charter needs to change with it, because an outdated Charter hinders the ability of the local government to serve the needs of our City and its residents properly; and

**Whereas**, the Home Rule City Act establishes the procedures to be followed for amending or revising a city charter; and

**Whereas**, the Home Rule City Act, Section 18 (MCL 117 .18), provides that when the legislative body of a city declares by a 3/5 vote of its members elect that there shall be a general revision of a city charter, the question of having a general revision of a city charter shall be submitted to the electors of the city for adoption or rejection at the next general or municipal election; and

**Whereas**, the next general election is the 02 August 2016 election; and

**Whereas**, the Michigan Election Law, 19 54 P A 116, codified at MCL 168.1, et seq., as amended, governs the elections within the State of Michigan, and provides the time-frame for when ballot wording for local ballot proposals must be submitted to the City Clerk and the County Clerk [Section 646a of the Michigan Election Law (MCL 168.646a)]; and

**Whereas**, the Michigan Secretary of State has advised the ballot wording for local ballot proposals to be voted on at the 02 August 2016 election must be certified and filed by not later than 4:00p.m. on Tuesday, 10 May 2016, with the local clerk providing the ballot wording to the County Clerk within two days; and

**Whereas**, the City Council has determined is in the best interests of the citizens of the City to submit to the electors of the City a proposal for a general revision of the Charter, and desires to have the issue placed on the ballot for the 02 August 2016 election;

**Now, Therefore, It Is Resolved:**

1. An election of the electors of the City shall be called and held at the next general election on Tuesday, 02 August 2016. The proposition to be voted on at that election shall be stated on the ballots in substantially the form as set forth below:

GENERAL REVISION OF CITY CHARTER PROPOSAL  
Shall there be a general revision of the Grand Ledge City Charter?  
Yes  
No

2. The City Clerk is authorized and directed to file this resolution with the respective County Clerks for the County of Eaton and the County of Clinton, not later than 4:00p.m. on Tuesday, 10 May 2016.

3. All resolutions and parts of this resolution that conflict with the provisions of this resolution are rescinded.

**Motion by** Willems; **Second by** Lantz;

**Ayes:** Lantz, Malecki, Mulder, Roberts, Smith, Sowle, Willems; **Nays:** None; **Absent:** None

**Resolution #02 of 2016**

I, Gregory L. Newman, Grand Ledge City Clerk, certify this is Resolution #02 of 2016, adopted by the Grand Ledge City Council at a regular meeting held on Monday, 11 January 2016; a meeting held in accordance with the Open Meetings Act, Public Act No. 267 of 1976, as amended.

**Ann Arbor  
Resolution to Revise Charter**

Ald. Moore presented the following resolution:

WHEREAS, Upon due consideration and deliberation, the Common Council of the City of Ann Arbor, declares for a general revision of the Charter of the City of Ann Arbor, in accordance with the provisions of the statutes of the State of Michigan, NOW THEREFORE,

BE IT RESOLVED, That a special election be held in the City of Ann Arbor, Washtenaw County, Michigan, on Tuesday, the 6th day of April, 1953, pursuant to the State Law and the Charter of the City of Ann Arbor, to vote upon the proposition of a general charter revision of the Charter of the City of Ann Arbor.

RESOLVED FURTHER, That the polls at said election shall open at 7:00 o'clock a.m. and remain open until 8 o'clock p.m. Eastern Standard Time, on said day.

RESOLVED FURTHER, That said special election shall be held in the precincts of the City of Ann Arbor, as follows:

First Ward: Perry School on Packard Street.

Second Ward, First Precinct: Ward Building on South Ashley St.

Second Ward, Second Precinct: Bach School on W. Jefferson St.

Second Ward, Third Precinct: Eberwhite School.

Third Ward, First Precinct: Ward Building on Miller Ave.

Third Ward, Second Precinct: Mack School.

Fourth Ward, First Precinct: Voting room in the basement of the Armory on N. Fifth Ave.

Fourth Ward, Second Precinct: Jones School on N. Division St.

Fifth Ward: Ward Building on Pontiac St.

Sixth Ward, First Precinct: Ward building on South Forest Ave.

Sixth Ward, Second Precinct: Angell School on S. University Ave.

Seventh Ward, First Precinct: Ward building on Mary St.

Seventh Ward, Second Precinct: Burns Park School on Wells St.

Seventh Ward, Third Precinct: Burns Park School on Wells St.

Seventh Ward, Fourth Precinct: Tappan Jr. High School on Stadium Blvd.

REVOLVED FURTHER, That the City Clerk be and he hereby is authorized to give notice of said special election according to the laws of the State of Michigan and the Charter of the City of Ann Arbor, and that he cause to be prepared blank ballots of equal width and length for the use of the electors at said special elections which shall be in the following form:

"FOR A GENERAL REVISION OF THE CHARTER OF THE CITY OF ANN ARBOR

Yes

No

RESOLVED FURTHER, That the City Clerk be and he hereby is directed to issue and to publish the notice of registration of electors for said special election in compliance with the Charter of the City of Ann Arbor and the Statutes of the State of Michigan, and that said Clerk shall make all necessary arrangements for the registration of electors for said special election, and for the holding thereof, according to the Charter of the City of Ann Arbor and the laws of the State of Michigan.

RESOLVED FURTHER, That the canvass and determination of said votes be made according to the laws of the State of Michigan and the Charter of the City of Ann Arbor.

Moved by Ald. Moore that resolution be adopted.

On roll call the vote was as follows: Yeas, Ald. Mellott, Tremmel, Fenn, Ouimet, Burns, Forsythe, Saunders, Colvin, Bromage, Moore, Dobson, Gallup, Pres. Creal, 13; Nays, 0

Chair declared the motion carried.

**Ann Arbor Form  
Resolution to Elect Charter Commission**

RESOLVED, that a special election be held in the City of Ann Arbor, Washtenaw County, Michigan, on Tuesday, the 2nd day of June, 1953, at which there shall be elected a charter Commission consisting of nine electors at large who shall constitute a body for the revision of the charter of the City of Ann Arbor.

RESOLVED FURTHER, that the members of the commission shall be elected who have had a residence of the City for at least three years (\*) prior to said election. No city officer, or employee, whether elected or appointed, shall be eligible to a place on said charter commission.

RESOLVED FURTHER, that the candidates for the charter commission be nominated by a petition, without reference to, or designation of party affiliation. Such petition shall be signed by not less than two percent and not more than four percent of the total vote cast for mayor in the City of Ann Arbor at the last preceding City election.

RESOLVED FURTHER, that nominating petitions for members of the charter commission shall be filed with the City Clerk up to 4 o'clock Eastern Standard Time, in the afternoon of Monday, the 20th day of April, 1953.

The names of all candidates so nominated shall be placed on a separate ballot at the special municipal election held on June 2nd, 1953, without their party affiliations being designated. The nine candidates having the largest number of votes cast in the City shall be declared elected. The nomination and the election of the members of the charter commission shall be conducted, except as herein otherwise provided in accordance with the provision of Act 279 of the Public Acts of 1909 as amended and as near as may be, as now provided by law and the charter of the City of Ann Arbor for the nomination and election of the City and Ward Officers of Ann Arbor.

RESOLVED FURTHER, that the charge when elected shall convene on the 2nd Tuesday after said election in the Council Chamber in the City Hall. The City Clerk shall preside at the 1st meeting and shall administer the oath of office to the members elected and shall act as the Clerk of the commission. The commission shall be the sole judge of the qualifications, elections, and return of its own members. It shall choose its own officers, except the clerk, and shall determine the rules of its proceedings and shall keep a journal thereof. A roll call of its members on any question shall be entered on the journal at the request of one-fifth of its members, or less, if it shall so determine. The commission may fill any vacancy in its membership and it shall fix the time of the submission of the Charter, prepared by it, to the electors of the City. A majority of the members shall constitute a quorum and its sessions shall be public.

The members of the commission shall not be paid any salary or remuneration whatever, for the services rendered by them as members of said commission.

RESOLVED FURTHER, that said election shall be held in the various precincts of the City of Ann Arbor and that all polls shall be open from 7 o'clock a.m. and remain open until 8 o'clock p.m. Eastern Standard Time on said day.

RESOLVED FURTHER, that the City Clerk be and hereby is directed to give notice of said special election according to the laws of the State of Michigan and Charter of the City of Ann Arbor and for the notice of registration of electors for said special election and that he make all necessary arrangements for the holding of said special election in accordance with the Charter of the City of Ann Arbor and the laws of the State of Michigan.

RESOLVED FURTHER, that the canvass and determination of said votes be made according to the Laws of the State of Michigan and the Charter of the City of Ann Arbor.

Moved by Ald. Dobson that report be adopted.

On roll call the vote was as follows: Yeas, Ald. Tremmel, Maybee, Ouimet, Burns, Ulberg, Forsythe, Saunders, Colvin, Bromage, Dobson, Gallup, Pres. Creal. 12; Nays, 0

Chair declared the motion carried.

\*Three year residency requirement declared unconstitutional. See page 1.

## **Appendix B**

### **Petition-Initiated Charter Revision**

A city charter revision may also be initiated by petition. Much of the procedure will be the same as for a revision initiated by the governing body.

Initiation. Section 25 of the City Home Rule Act provides for two types of petitions, the so-called five percent petition and the 20 percent petition. An initiative petition must be signed by at least five percent of the registered electors of the city. When such petition is signed by 20 percent or more, the Act provides for certain differences with respect to election proceedings as explained under the Election Date heading in this Appendix.

Petition Form. The Act establishes certain standards for the completion of the petition, as follows:

1. The petition must be addressed to and filed with the City Clerk.
2. Each signer must inscribe after his or her signature the date of signing, and his or her street and address.
3. No signatures obtained more than one year before the filing of the petition shall be counted.
4. The petition must state what organization, if any, or, if none, what person or persons are primarily interested in and responsible for circulating the petition.
5. Each sheet of the petition must be verified by affidavit of the person who obtained the signatures.

The city clerk has the function of insuring compliance with the statutory standards. Within 45 days from the date of receipt, he/she must check the petition and determine whether the petitioners are registered electors. If the petition conforms to the requirements, the city clerk shall certify the same, report that fact to the governing body, and establish the date of election. If the petition is found not to meet the statutory requirements, the city clerk will report this to the governing body and take no further action.

Election Date. Establishment of the election date by the city clerk will vary depending on whether the petition has been initiated by a five percent petition, or 20 percent petition.

In case of a five percent petition, the proposal can be submitted *only at the next regular city or general state election* occurring not less than 90 days after the filing of the petition (MC.L. 117.25). If a charter amendment initiated by a five percent petition is submitted at a special or primary election, it has been held that the vote is void (*Attorney General v. Bay City*, 334 Mich. 514 (1952)).

Section 25 is written in terms of submitting of a charter amendment. It applies to charter revision only because of the reference to section 25 found in section 18 of the City Home Rule Act. Nevertheless, it seems likely that the rule in *Attorney General v. Bay City* would also apply to the submission of charter revision proposals. See the suggested petition (page 13) for an initiatory petition.

A 20 percent petition may request that the proposed amendment be submitted at a special election. If such petition contains a request for a special election, the City Clerk, within 90 days after the filing of the petition, must call a special election no less than 120 days after the filing of the petition.

**Initiatory Petition for Charter Revision**

To the City Clerk,  
City of \_\_\_\_\_, Michigan

We, the duly undersigned registered voters of the City of \_\_\_\_\_ do hereby respectfully request and petition the city council to take the necessary steps to provide that the question of having a general revision of the charter of said city be submitted to the electors of said city for adoption or rejection at the next general (municipal) election or general state election held in said city, as provided by Section 18 and 25 of the Home Rule Act of the State of Michigan, the same being Act No. 279 of the Public Acts of 1909.

We further request and petition that the charter commission be selected at the same election at which the proposition to revise the charter is submitted; such selection to be void if the proposition to revise is not adopted, as provided in Section 18 of the above-mentioned Act.

The (person) (persons) (body) (organization) primarily interested in and responsible for the circulation of this petition (is) (are):

	Name	Address	Ward & Precinct (if known)	Date of Signing		
				Month	Day	Year
1.						
2.						
3.						
4.						
5.						

Verification (Note: This affidavit to appear on each sheet of the petition)

State of Michigan)  
County of \_\_\_\_\_) ss.

\_\_\_\_\_ of the City of \_\_\_\_\_, to me personally known, first being duly sworn, says that he circulated the foregoing petition at the request of and pursuant to the directions of (same names as above), who desires a general revision of the charter of the City of \_\_\_\_\_, that all of the above signatures were obtained by the undersigned; that the signatures on the foregoing petition are the signatures of the persons purporting to sign the same; that each of them signed in his presence; and that he has good reason to believe, and verily does believe, that the signers thereof are duly registered electors of the City of \_\_\_\_\_, and are the identical persons their signatures purport them to be.

Signed \_\_\_\_\_  
Circulator of Petition

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public, County of \_\_\_\_\_  
My commission expires \_\_\_\_\_, 20\_\_\_\_\_.

Optional Clause Providing for Advisory Vote on Change in Form of Government:

We further request and petition that at the same election at which the question of having a general revision of the charter is submitted to the electors, there shall also be submitted to the electors for an advisory vote the question of a change in the form of government of such city (to the \_\_\_\_\_ [council-manager] [weak mayor-council] [strong mayor-council] form of government) as provided in Section 18 of the above-mentioned Act.

Optional Clause Providing for Advisory Vote on Retaining Provisions of Existing Charter:

We further request and petition that at the same election at which the question of having a general revision of the charter is submitted to the electors there shall also be submitted to the electors for an advisory vote the question of continuing the following power(s), limitation(s), or provision(s) granted to such city in its charter by the Legislature, to wit:  
(Here enumerate the powers, limitations, or provisions desired to be retained), as provided in Section 18 of the above-mentioned Act.

**Appendix C**  
**Sections of the Home Rule City Act Governing Procedure for Charter Revision**

117.15 Election of Charter Commission

Section 15. (1) At an election on the question of the intent to incorporate a new city, or to make a consolidation permitted by this act, each elector residing within its proposed territorial limits shall be entitled to vote for 9 electors, residing in the territory which it is proposed to incorporate or consolidate, as members of a charter commission, and the notices required by Section 10 shall include notice of the election of those electors. The ballot shall be prepared by the clerk of the county in which the territory is located or if located in more than 1 county, then by the clerk of the county in which the greater portion of the territory is located. The expense of the ballot preparation is to be borne by that county. If the proposed city is incorporated as provided in this act, the county shall be reimbursed by the city at the time the charter is filed. The county clerk shall prepare the ballot to be used at the election pursuant to the general election laws of the state as follows:

For city incorporation. Yes ( )  
For city incorporation. No ( )

Of, if the proposition be to consolidate, the ballot shall be as follows:

For consolidating (naming entities) into 1 city. Yes ( )  
For consolidating (naming entities) into 1 city. No ( )

(2) The county clerk shall also prepare a separate ballot and place on the ballot, without party designation, under the heading, candidates for members of the charter commission, the names of the electors having the qualifications required by this act for a member of the charter commission, who file a petition signed by 20 qualified electors residing in the territory proposed to be incorporated, asking that their names be placed on the ballot. For a consolidation, the electors of each city, township, village, or part of a township, proposed to be consolidated shall vote for and elect the number of the 9 members of the charter commission as shall be substantially in proportion to the number of registered electors of the city, village, township, or part of a township, according to the registration rolls of the last regular state, city, or village election held in the city, village, township, or part of a township, but the member to be elected in a city, village, or township shall not be less than 1. The county board of commissioners or the secretary of state shall determine and prescribe the number of members of the charter commission to be elected from each city, village, township, or part of a township in the case of a consolidation, pursuant to this subsection. The position of the names of the candidates upon the ballots shall be interchanged as provided in the general primary election law of this state. The ballot shall also bear instruction directing that not more than 9 candidates shall be voted for or, if the proposition is to consolidate, the ballot for members of the charter commission in each city, village, township or part of a township, proposed to be consolidated shall bear instructions directing that not more than the number of candidates determined by the county board of commissioners or the secretary of state to be elected in the city, village, township, or part of a township shall be voted for. On the vote being canvassed on the question of the intent to incorporate or consolidate, if the result is determined to be in favor of the intent to incorporate or consolidate, the board of canvassers shall canvass the votes cast for members of the commission, and certify the election of the 9 persons receiving the highest number of votes cast. The elected members of the commission shall take the constitutional oath of office, and may fill vacancies in their membership. Five members shall constitute a quorum.

(3) The charter commission shall convene within 10 days after election, and frame a charter for the proposed city within 90 days after the meeting. The business which the charter commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976. Notice of the time, place, and date of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The charter commission shall choose its own officers, determine the rules of its proceedings, and keep a journal. A roll call of its members on a question shall be entered on the journal at the request of any member. The commission shall provide the manner of nominating the candidates for the first elective officers provided in the proposed charter. The commission shall fix the date of the first city election and do and provide other things necessary for making the nominations and holding the election.

The election may be held at a special election or on the same date as a general election. The commission shall publish the proposed charter in 1 or more newspapers published in the proposed city, at least once, not less than 2 weeks and not more than 4 weeks preceding the election, together with a notice of the election and that on the date fixed for the election the question of adopting the proposed charter will be voted on, and that the elective officers provided for in the charter will be elected on the same date.

Notice of the election shall also be posted in at least 10 public places within the proposed city not less than 10 days before the election. The commission shall provide for 11 or more polling places for the election, and give similar notice of their location as is given of the election, and shall appoint the inspectors of the election. The results of the election shall be canvassed by the county board of canvassers.

#### 117.18 Charter Revision Procedure

Section 18. Any city desiring to revise its charter shall do so in the following manner, unless otherwise provided by charter; when its legislative body shall by a 3/5 vote of the members elect declare for a general revision of the charter, or when an initiatory petition shall be presented therefor as provided in section 25, the question of having a general charter revision shall be submitted to the electors for adoption or rejection at the next general or municipal election, or at a special election. In case the electors shall, by a majority vote, declare in favor of such revision, a charter commission shall be elected within 60 days consisting of 9 electors of such city having a residence of at least 3 years in the municipality, or the legislative body by a 3/5 vote of the members elect or the initiatory petition may provide that the charter commission be selected at the same election at which the proposition to revise is submitted; the selection shall be void if the proposition to revise is not adopted.\* No city officer or employee, whether elected or appointed, shall be eligible to a place on the commission.

In the cities where provision is made by the city charter for the non-partisan elections of city officers, the method prescribed for such elections shall apply in the election of charter commissioners. Where no such provision is made by the charter of such city, candidates shall be nominated by petition without reference to or designation of party affiliation, signed by a number of qualified electors of such city equal to not less than 2 percent and nor more than 4 percent of the total vote cast for the chief executive office, or the highest vote for any commissioner in cities having the commission form of government, of such city at the last preceding election, asking that the name of the candidate designated be placed upon the ballot. The names of all candidates so nominated shall be placed upon a separate ballot at the election designated to be held for the election of a charter commission and without their party affiliations designated; the 9 candidates having the greatest number of votes shall be declared elected; the election of the members of such commission, except as herein specified, shall be conducted as near as may be as now provided by law for the election of city officers in the respective cities of this state unless special methods shall be otherwise provided in the charter of such city.

If the proposed revised charter is rejected by the electors of the city, the charter revision commission shall immediately reconvene and determine whether to take no further action, in which case it shall terminate and cease to exist, or whether to provide a revision of, or amendments to, the revised charter previously prepared by the commission. The proposed revised charter with amendments shall be resubmitted to the qualified electors of the city in the same manner and with like notice and proceedings as required in the first instance. A proposed revised charter, as originally submitted or resubmitted with amendments, shall be submitted not to exceed 3 times to the qualified electors of the city. If the charter is rejected 3 times, or if no revised charter is adopted during 3 years following the adoption of the proposition to revise, then the charter revision commission shall terminate and cease to exist. A new proposal to revise may be adopted at any time after termination of a charter revision commission.

When the question of having a general revision of the charter shall be submitted to the electors of any city, the legislative body of such city or the initiative petitions may provide for the submission with such question for an advisory vote of the question of a change in the form of government of such city, or the question of continuing any power, limitation or provision granted to such city in a charter granted or passed by the legislature for the government thereof. When such advisory vote is requested in an initiatory petition, such question shall be submitted as herein before provided. In the revision of the charter of any city, any power, limitation or provision granted to such city in any charter granted or passed by the legislature for the government of such city and contained in the charter to be revised may be included in such revised charter, and when so included, such power, limitation, or the effect of any such provision shall continue with the same force and effect as when granted or passed by the legislature in the first instance.

\*Three year residency requirement declared unconstitutional. See page 1.

#### 117.19 Duties of City Council

Section 19. The legislative body of the municipality unless it is otherwise provided, shall fix in advance of the election of a charter commission the place of its meeting, the compensation of its members, the money for the expense thereof, and if need be provide the ballots for election.

#### 117.20 Powers and Duties of Charter Commission

Section 20. The charter commission shall convene on the second Tuesday after the election at the place designated pursuant to section 19. The city clerk shall preside at the first meeting, shall administer the oath of office to the members-elect, and shall act as clerk of the commission. The charter commission shall be the sole judge of the qualifications, elections, and returns of its members, shall choose its officers except clerk, shall determine the rules of its proceedings, and shall keep a journal. A roll call of the members on a question shall be entered on the journal at the request of 1/5 of the members or less if the commission shall so determine. The commission may fill a vacancy in its membership, and shall fix the time for the submission of the charter to the electors. A member shall not receive compensation for more than 90 meetings of the commission and only for actual attendance. A member of the commission shall not be paid for more than 1 meeting per day. A majority of the members shall constitute a quorum, and the sessions of the commission shall be public.

#### 117.22 Role of Governor

Section 22. Every amendment to a city charter whether passed pursuant to the provisions of this act or heretofore granted or passed by the state legislature for the government of such city, before its submission to the electors, and every charter before

the final adjournment of the commission, shall be transmitted to the governor of the state. If he shall approve it, he shall sign it; if not, he shall return the charter to the commission and the amendment to the legislative body of the city, with his objections thereto, which shall be spread at large on the journal of the body receiving them, and if it be an amendment proposed by the legislative body, such body shall reconsider it, and if 2/3 of the members-elect agree to pass it, it shall be submitted to the electors. If it be an amendment proposed by initiatory petition, it shall be submitted to the electors notwithstanding such objections.

#### 117.23 Publication of Proposed Charter; Vote on Separate Proposition or Alternative Provision

Section 23. (1) A proposed city charter and each amendment to an existing city charter before submission to the electors, shall be published as the charter commission or the legislative body may prescribe. A proposed charter may be submitted to the qualified electors as an entirety in a single proposition substantially as follows:

"Shall the city charter proposed by the city charter commission be adopted?" Adoption of a proposed charter shall require a simple majority of those voting on the question.

(2) When submitting a proposed charter, separate propositions, on specific charter provisions may also be submitted to the qualified electors. In such case, all propositions shall be in such form as are approved by the attorney general as to clarity and impartiality. If the proposed charter and any of the separate propositions are adopted, the new charter shall take effect with the alternatives or additions contemplated by such separate propositions as are adopted. Adoption of a separate proposition which is an alternative to a provision contained in the proposed charter shall require approval by a majority of those voting on the separate proposition and also a majority of those voting on the proposed charter; otherwise the adoption of a separate proposition shall require a simple majority. The ballot shall contain voting instructions and a brief explanation of the effect of each of the propositions.

#### 117.24 Effective Date of Newly Adopted Charter

Section 24. If the charter, or any amendment thereto, whether of cities incorporated under the provisions of this act, or under an existing charter of the city heretofore granted or passed by the legislature for the government of the city, be approved, then 2 printed copies thereof, with the vote for and against duly certified by the city clerk shall, within 30 days after the vote is taken, be filed with the secretary of state, and a like number with the county clerk of the county in which such city is located and shall thereupon become law, unless a different date for the taking effect of such charter or charter amendment, or any part thereof, is specifically set forth therein.

#### 117.25 Charter Revision by Citizen Initiative

Section 25. (1) An initiatory petition authorized by this act shall be addressed to and filed with the city clerk. The petition shall state what body or organization, if any, or if no body or organization, then what persons are primarily interested in and responsible for the circulation of the petition and the securing of the amendment. Each sheet of the petition shall be verified by the affidavit of the person who obtained the signatures to the petition. The petition shall be signed by at least 5 percent of the qualified and registered electors of the municipality. Each signer of the petition shall also write, immediately after his or her signature, the date of signing and his or her street address. A signature obtained more than 1 year before the filing of the petition with the city clerk shall not be counted. The petition is subject to the requirements of section 25a.

(2) Any person who shall willfully affix another's signature, or subscribe and swear to a verification false in any material particular is guilty of perjury; and any person who shall take the oath of another to the petition not knowing him or her to be the identical person he or she represents himself or herself to be or knowing that the petition or any part thereof is false or fraudulent in any material particular, or who shall falsely represent that the proposed amendment is proposed by parties other than the true sponsors, is guilty of a felony and shall be liable to the same punishment as provided for perjury.

(3) Upon receipt of the petition, the city clerk shall canvass it to ascertain if it has been signed by the requisite number of registered electors. For the purpose of determining the validity of the petition, the city clerk may cause any doubtful signatures to be checked against the registration records of the city. Within 45 days from the date of the filing of the petition, the city clerk shall certify the sufficiency or insufficiency thereof. If the petition contains the requisite number of signatures of registered electors, the clerk shall cause the proposed amendment to be submitted to the electors of the city at the next regular municipal or general state election held in the city which shall occur not less than 90 days following the filing of the petition.

(4) If the petition contains the signatures of 20 percent or more of the persons residing in and registered to vote in the city as of the date when they signed it, and the petition requests submission of the proposal at a special election, the city clerk, within 90 days after the date of the filing of the petition, shall call a special election to be held on the next regular election date that is not less than 120 days after the petition was filed. Other proposals, whether initiated by a 5 percent petition or proposed by the legislative body within the times within this act provided, may be submitted at that election. A proposal submitted to the electors by the initiative and receiving an affirmative majority of the votes cast on the proposal shall not be held unconstitutional, invalid, or void on account of the insufficiency of the petition by which the proposal was submitted.

(5) Except as provided by subsection (6), any proposal adopted by the electors that contemplates increased expenditure of funds by the municipality shall become effective only at the beginning of that fiscal year of the municipality commencing not earlier than 60 days following the election at which the proposal was approved by the electors.

(6) If a proposal that increases the city's ad valorem property tax limitation applies, by its terms, for a specific year or period commencing before the date the proposal would otherwise take effect under subsection (5), the proposal shall be effective both from the date it is approved by the electors and retroactively for the year or period specified in the proposal. Notwithstanding a charter provision to the contrary, if a proposal is approved by the electors and given effect under this subsection after the city has levied its ad valorem property tax levy for the fiscal year and if the adopted proposal authorizes the levy of a millage rate for the fiscal year during which the proposal was approved in excess of the rate the city was authorized to levy before adoption of the proposal, the city may levy an additional tax. The additional tax shall be collected either by a supplementary billing by the city or at the same time and in the same manner the county's ad valorem property tax levy is collected.

(7) Any person aggrieved by any action, or failure of action, of the city clerk may bring an action against the clerk in the circuit court for writ of mandamus or for other appropriate relief.

## Introduction

Home rule cities may amend their charters in accordance with procedures found in MCL 117.21-117.25 of the Home Rule City Act (Act 279 of 1909). The amendment process may be used to change details in the charter. It is not permissible to change the form of government by charter amendment (e.g. providing for a city-manager system in place of a mayor-council form). Examples of changes that can be made by amendment are changes to increase or decrease the number of councilmembers, changing the position of clerk or treasurer from an elected to an appointed one, setting the purchasing dollar amount limit that can be spent before the municipality is required to establish a bid process, and establishing pension plans.

Another important restriction on the amendment process is that any proposed amendment must be confined to one subject. If a subject embraces more than one related proposition, each proposition must be separately stated to afford electors the opportunity to vote for or against each proposition (MCL 117.21).

## Proposal

Charter amendments may be proposed in one of two ways, either by resolution of 3/5 of the members of the city's governing body (MCL 117.21) or by initiatory petition (MCL 117.21, 117.25).

Initiatory petitions are filed with the city clerk. The petition shall state what body, organization or person is interested in and responsible for the circulation of the petitions and the securing of the amendment, and must contain the signatures of at least 5% of the qualified registered electors of the city (MCL 117.25).

## Publication

If the initiatory petition provides language for the ballot, the legislative body may add an explanatory caption. If the petition does not include ballot language, then ballot language shall be determined by resolution of the legislative body. The proposed charter amendment must be published in full with existing charter provisions which would be altered or abrogated by the amendment (MCL 117.21). The manner of publication shall be as prescribed by the city governing body (MCL 117.23). The publication requirement may be met by setting forth the amendment and the existing sections altered or abrogated in:

the resolution proposing the amendment, if proceedings are published; or  
the election notice; or  
a separate publication.

## Submission to the Governor

All proposed charter amendments must be submitted to the Governor for approval. This should be done immediately after the council resolution to submit the amendment to a vote of the electors is adopted. The amendment is approved by the Governor if it is found to be legally unobjectionable. Amendments proposed by initiatory petition shall be submitted to the electors notwithstanding any objection by the Governor.

## Statement of Purpose

The act requires that a statement of the purpose of the proposed charter amendment be prepared to consist of a true and impartial statement of the purpose in not more than 100 words, including the short title or caption, in such language as shall create no prejudice for or against such amendment. The statement is prepared for printing on the ballot. However, the act requires that the text of the statement be

submitted to the Attorney General for approval as complying with the act. It is necessary that it be submitted for such approval as early as conveniently possible. (This latter requirement is not to be confused with the requirement for submission of the proposed amendment to the Governor).

Frequently the "statement of purpose" is framed as a question and in this form is submitted directly to the electors. This has been held to be a valid method (Thompson v Dearborn, 348 Mich. 23)

## **Election Procedure**

(a) *Election Date.* The amendment shall be submitted to the electors at the next regular city election or general state election to be held not earlier than 90 days after submission of the initiatory petition to the city clerk (MCL 117.21).

(b) *Election Notice.* Notice of the proposition to be voted on shall be added to the regular election notice, by including a caption or brief description of the proposal along with the location where an elector can obtain the full text (MCL 168.653a). The publication of the election notice must be at least 7 days before election day, while the publication of the notice of last day of registration must be at least 7 days before the last day for receiving registrations. (See Appendix B for suggested election notice form).

(c) *Form of Ballot.* In the case of an initiatory petition, the form of ballot customarily is established by the petition language. If the petition does not include ballot language, then the governing body is to determine the ballot language by resolution. If the section of the charter to be amended is reasonably short, the ballot will usually set forth the section in its amended form in full. Occasionally in such cases both the section in its existing form and in its proposed amendment form will be set forth on the ballot. However, it is required only that the statement of purpose appear on the ballot (MCL 117.21), and the statement of purpose may be in the form of the question itself. If it is not, then the question can be framed with reference to the statement of purpose somewhat like this:

"Shall Section\_\_\_\_\_of the city charter be amended to provide\_\_\_\_\_, as explained above?"

In addition to the 100-word statement of purpose, a short title or caption may be used on the ballot for quick identification.

The proposed charter amendment in full shall be posted in a conspicuous place in each polling place (MCL 117.21).

## **Filing**

If the amendment is approved by the electors, two printed copies must be filed within 30 days after the election with the Secretary of State and two copies with the county clerk, together with a statement certified by the city clerk of the vote for and against the amendment. Upon such filing, the amendment becomes effective unless a different date for taking effect is set forth in the amendment (MCL117.24).

## **Resubmission**

A proposed charter amendment defeated in an election may not be resubmitted to the electors for a period of two years (MCL 117.21).