

HOUSE BILL No. 5138

September 7, 2005, Introduced by Reps. Brandenburg, Garfield, Pastor, Elsenheimer, Drolet, Palsrok, Robertson, Gosselin, Marleau, Shaffer, Steil, Jones, Hansen, Wenke, Nofs, Acciavatti, Emmons, Kahn, Amos, Vander Veen, Gaffney, Hune, Caul, Casperson, Hoogendyk, Baxter, Pearce, Palmer, Hummel, Nitz, Meyer, Stahl, Stewart, Taub, Caswell, Ward, Hildenbrand, David Law and Rocca and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
(MCL 117.1 to 117.38) by adding section 3b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3B. (1) A CITY THAT HAS A POPULATION OF 250,000 OR MORE
2 AS DETERMINED BY THE MOST RECENT FEDERAL DECENNIAL CENSUS AND
3 THAT HAS A CITY COUNCIL COMPOSED OF COUNCIL MEMBERS ELECTED AT
4 LARGE SHALL PLACE A QUESTION IN SUBSTANTIALLY THE FOLLOWING FORM
5 ON THE BALLOT AT THE GENERAL PRIMARY ELECTION HELD ON TUESDAY,
6 AUGUST 1, 2006:

7 "SHALL THE EXISTING AT-LARGE CITY COUNCIL BE ABOLISHED,

1 SHALL THE CITY BE REAPPORTIONED INTO SINGLE-MEMBER ELECTION
2 DISTRICTS, AND SHALL DISTRICT RESIDENCY REQUIREMENTS BE
3 IMPOSED ON CANDIDATES FOR THE CITY COUNCIL?

4 YES (____)

5 NO (____).".

6 (2) THE RESULT OF THE VOTE SHALL BE CANVASSED BY THE LOCAL
7 BOARD OF CANVASSERS UNDER THE MICHIGAN ELECTION LAW, 1954 PA 116,
8 MCL 168.1 TO 168.992.

9 (3) IF THE QUESTION PRESENTED UNDER SUBSECTION (1) IS
10 APPROVED, THE EXISTING AT-LARGE CITY COUNCIL IS ABOLISHED ON
11 JANUARY 1, 2007 AND SHALL BE REPLACED BY A CITY COUNCIL OF
12 MEMBERS ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS AT REGULAR
13 MUNICIPAL ELECTIONS BEGINNING WITH THE MUNICIPAL PRIMARY ELECTION
14 IN 2006. ANY CHARTER PROVISION TO THE CONTRARY NOTWITHSTANDING,
15 THE PRESIDENT OF THE CITY COUNCIL SHALL BE DETERMINED BY A
16 MAJORITY VOTE OF THE CITY COUNCIL MEMBERS ELECTED AND SERVING
17 FROM SINGLE-MEMBER ELECTION DISTRICTS.

18 (4) WITHIN 30 DAYS AFTER THE QUESTION PRESENTED UNDER
19 SUBSECTION (1) IS APPROVED, THE CITY REDISTRICTING COMMISSION
20 SHALL MEET AS THE APPORTIONMENT COMMISSION AND ADOPT AN
21 APPORTIONMENT PLAN. THE CITY REDISTRICTING COMMISSION SHALL
22 CONSIST OF 3 MEMBERS, 2 OF WHOM ARE APPOINTED BY THE MAYOR AND 1
23 OF WHOM IS APPOINTED BY THE CITY COUNCIL. THE CITY REDISTRICTING
24 COMMISSION SHALL MEET WITHIN 30 DAYS AFTER THE PUBLICATION OF THE
25 LATEST OFFICIAL FIGURES OF THE FEDERAL DECENNIAL CENSUS TO
26 REAPPORTION THE CITY. TO THE EXTENT CONSISTENT WITH THIS ACT, THE
27 PROCEDURAL ASPECTS OF THE APPORTIONMENT PROCESS SHALL BE GOVERNED

1 BY THE SAME STATUTORY PROCEDURES AS THOSE PROVIDED FOR A COUNTY
2 CHARTER COMMISSION APPORTIONMENT UNDER SECTION 5(4), (5), (6),
3 AND (7) OF 1966 PA 293, MCL 45.505. ONE OF THE 2 MEMBERS
4 APPOINTED BY THE MAYOR UNDER THIS SUBSECTION SHALL CONVENE THE
5 CITY REDISTRICTING COMMISSION, SITTING AS THE APPORTIONMENT
6 COMMISSION. AS THE APPORTIONMENT COMMISSION, THE CITY
7 REDISTRICTING COMMISSION SHALL ADOPT ITS OWN RULES OF PROCEDURE.
8 TWO MEMBERS SHALL CONSTITUTE A QUORUM AND ALL ACTIONS SHALL BE BY
9 A MAJORITY VOTE.

10 (5) THE CITY REDISTRICTING COMMISSION SHALL PROVIDE FOR
11 EQUAL REPRESENTATION FOR EACH SINGLE-MEMBER ELECTION DISTRICT,
12 AND EACH SINGLE-MEMBER ELECTION DISTRICT SHALL BE AS NEARLY EQUAL
13 IN POPULATION AND COMPACT AS IS PRACTICABLE BASED ON THE LATEST
14 FEDERAL DECENNIAL CENSUS. IN DEVELOPING AN APPORTIONMENT PLAN,
15 THE CITY REDISTRICTING COMMISSION SHALL FOLLOW THE LINES USED FOR
16 PLANNING SECTORS AND SUBCOMMITTEES AS PROVIDED BY THE CITY MASTER
17 PLAN AND CHARTER. IN SUBSEQUENT REAPPORTIONMENTS, THE CITY
18 REDISTRICTING COMMISSION APPORTIONMENT PLAN SHALL MAKE ONLY
19 INCREMENTAL CHANGES TO THE SINGLE-MEMBER ELECTION DISTRICT
20 BOUNDARIES THAT ARE NECESSARY TO ACCOMMODATE POPULATION CHANGE
21 REQUIREMENTS. EACH SINGLE-MEMBER ELECTION DISTRICT SHALL BE
22 DESIGNATED BY NUMBER.

23 (6) EACH CANDIDATE FOR CITY COUNCIL SHALL BE A RESIDENT OF
24 THE SINGLE-MEMBER ELECTION DISTRICT HE OR SHE SEEKS TO REPRESENT.
25 A CITY COUNCIL MEMBER'S OFFICE IS VACATED IF THE MEMBER MOVES HIS
26 OR HER RESIDENCE OUTSIDE OF THE SINGLE-MEMBER ELECTION DISTRICT
27 THAT THE MEMBER REPRESENTS.

1 (7) TO COMPLY WITH AND IMPLEMENT THIS SECTION, THE CITY
2 CLERK SHALL PROMULGATE NECESSARY ELECTION RULES AND PROCEDURES
3 CONSISTENT WITH OTHER PROVISIONS OF THE CITY CHARTER. THE CITY
4 COUNCIL MAY AMEND THE CHARTER TO COMPLY WITH THIS SECTION IN THE
5 SAME MANNER PROVIDED BY LAW AND CHARTER FOR THE ADOPTION OF AN
6 ORDINANCE. ANY CHARTER AMENDMENT TO COMPLY WITH THIS SECTION
7 SHALL TAKE EFFECT IMMEDIATELY UPON ADOPTION BY THE COUNCIL. THE
8 CITY CLERK SHALL FILE A COPY OF ANY CHARTER AMENDMENT WITH THE
9 SECRETARY OF STATE AND THE COUNTY CLERK OF THE COUNTY IN WHICH
10 THE CITY IS LOCATED. SECTIONS 21 TO 25 DO NOT APPLY TO THE
11 CHARTER AMENDMENT REQUIRED UNDER THIS SECTION.