

HOUSE BILL NO. 6384

November 12, 2020, Introduced by Reps. Coleman, Meerman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1909 PA 278, entitled
"The home rule village act,"
by amending sections 6, 11, 17, and 19 (MCL 78.6, 78.11, 78.17, and
78.19).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. **(1)** The county clerk shall, within 3 days after the
2 passage of the resolution provided for in section 4, ~~of this act,~~
3 transmit a certified copy of ~~said~~ **the** petition and of ~~such~~ **the**

1 resolution to the clerk of each city, village, or township in the
 2 district to be affected by the proposed incorporation,
 3 consolidation, or change. ~~, and it shall be~~

4 **(2) Before January 1, 2022, it is** the duty of each of ~~said the~~
 5 city, village, and township clerks to give notice of the date and
 6 purpose of the election provided for by ~~said the~~ resolution by
 7 publication in 1 or more newspapers published within ~~said the~~
 8 district at least once in each week for 4 weeks ~~preceding said~~
 9 **before the** election, and by posting a ~~like~~**similar** notice in at
 10 least 10 public places in ~~said the~~ district not less than 10 days
 11 ~~prior to such~~ **before the** election. **Beginning January 1, 2022, not**
 12 **less than 10 days and not more than 4 weeks before the election,**
 13 **the clerk of each city, village, or township in the district to be**
 14 **affected by the proposed incorporation, consolidation, or change**
 15 **must post public notice as set forth in the local government public**
 16 **notice act of the date and purpose of the election provided for by**
 17 **the resolution.**

18 Sec. 11. **(1)** At every election on the question of
 19 incorporation of a new village, each elector residing within its
 20 proposed territorial limits ~~shall also be~~**is** entitled to vote for 5
 21 electors, residing in the territory which it is proposed to
 22 incorporate, as members of a charter commission, and all notices
 23 required by section 6 ~~of this act shall~~**must** include notice of the
 24 election ~~thereof.~~**of charter commission members.** The ballots ~~shall~~
 25 **must** be prepared by the clerk of the county in which the territory
 26 is located or if located in more than 1 county, then by the clerk
 27 of the county in which the greater portion of the territory is
 28 located, ~~the expense to be borne by the county. ~~Provided,~~~~
 29 ~~however, That~~**However,** if the proposed village ~~shall be~~**is**

1 incorporated, then the county ~~shall~~**must** be reimbursed by the
 2 village. The county clerk shall prepare the ballot to be used at
 3 ~~such~~**the** election in accordance with the ~~general election laws of~~
 4 ~~the state~~**Michigan election law, 1954 PA 116, MCL 168.1 to 168.992,**
 5 as follows:

6 "For village incorporation. Yes. []

7 For village incorporation. No. []".

8 (2) ~~And such~~**The** county clerk shall also prepare a separate
 9 ballot and place upon the ~~same~~**separate ballot** in alphabetical
 10 order having reference to the initial of the surname, without party
 11 designation, under the heading "Candidates for members of charter
 12 commission," the names of all electors, having the qualifications
 13 required by this act for members of charter commissions, who ~~shall~~
 14 file a petition signed by 20 qualified electors residing in the
 15 territory proposed to be incorporated, asking that ~~such~~**his or her**
 16 name be placed upon the ballot. The ballot ~~shall~~**must** also ~~bear~~
 17 **include** instructions directing that not more than 5 candidates
 18 ~~shall~~**must** be voted for. On the vote being canvassed on the
 19 question of incorporation, if the result is determined to be in
 20 favor of ~~such~~ incorporation, the board of canvassers shall ~~proceed~~
 21 ~~to~~ canvass the votes cast for members of ~~such~~**the charter**
 22 commission, and shall certify to the election of the 5 ~~persons~~
 23 **individuals** receiving the highest number of votes ~~so~~ cast. The
 24 members of the **charter** commission ~~so~~ elected shall take the
 25 constitutional oath of office ~~,~~ and shall have power to fill
 26 vacancies in their membership, and 3 or more of ~~them~~**shall**the**
 27 **members** constitute a quorum. The charter commission shall convene
 28 within 10 days after election and frame a charter for ~~said~~**the**
 29 village within 60 days thereafter. ~~It~~**The charter commission** shall**

1 choose its own officers, determine the rules of its proceedings,
2 and keep a journal. A roll call of ~~its charter commission~~ members
3 on any question ~~shall must~~ be entered on the journal at the request
4 of any member. ~~It~~**The charter commission** shall provide the manner
5 of nominating the candidates for the first elective officers
6 provided in the proposed charter. ~~It~~**The charter commission** shall
7 fix the date of the first village election and do and provide all
8 other things necessary for making ~~such the~~ nominations and holding
9 ~~such the~~ election. ~~Such~~**The** election may be held at a special
10 election or on the same date as a general election. ~~It~~**Before**
11 **January 1, 2022, the charter commission** shall publish ~~such the~~
12 proposed charter in 1 or more newspapers published in ~~said the~~
13 village, if ~~one a newspaper~~ is published ~~therein, in the village,~~
14 and if not, then in some newspaper published in the same or an
15 adjoining county and circulating in ~~said the~~ villages, at least
16 once, not less than 2 weeks and not more than 4 weeks ~~preceding~~
17 ~~said before the~~ election, together with a notice of ~~said the~~
18 election. ~~, and that on~~**On** the date fixed ~~therefor for the~~
19 **election,** the question of adopting ~~such the~~ proposed charter will
20 be voted on, and ~~that the~~ elective officers provided for ~~therein~~
21 will be elected on the same date. ~~Notice~~**Before January 1, 2022,**
22 **notice** of ~~such the~~ election ~~shall must~~ also be posted in at least
23 10 public places within the village not less than 2 weeks ~~prior to~~
24 ~~such before the~~ election. ~~Said~~**Beginning January 1, 2022, the**
25 **charter commission shall, not less than 2 weeks and not more than 4**
26 **weeks before the election, post public notice of the proposed**
27 **charter, together with the notice of election, as set forth in the**
28 **local government public notice act. The charter** commission shall
29 provide for 1 or more polling places for ~~said the~~ election, ~~and~~

1 **shall** give ~~like~~**similar** notice of their location, and shall appoint
 2 the **election** inspectors ~~of said election,~~ and a canvassing board of
 3 3 electors to canvass the votes cast at ~~such~~**the** election.

4 Sec. 17. Any amendment to any existing charter, whether passed
 5 ~~pursuant to the provisions of~~**under** this act or ~~heretofore~~
 6 **previously** granted or passed by the state legislature, for the
 7 government of a village, may be submitted to the electors by a 2/3
 8 vote of the legislative body of the village, or may be petitioned
 9 for by not less than ~~20 per centum~~**20%** of the number of electors
 10 voting for president at the last preceding election, which petition
 11 ~~shall~~**must** be verified by the oath of the party or parties securing
 12 the ~~same~~**petition** and filed with the village clerk. ~~Every such~~**Each**
 13 amendment ~~shall~~**must** be submitted to the electors at the next
 14 general or special election. ~~When~~**If** the amendment originates in
 15 the legislative body, ~~it shall~~**the amendment must** be published **or**
 16 **posted** and remain on the table for 30 days before action is taken
 17 ~~thereon.~~**on the amendment.** The form in which any proposed amendment
 18 to a village charter ~~shall be~~**is** submitted on the ballot, unless
 19 provided for in the initiatory petition, ~~shall~~**must** be determined
 20 by resolution by the legislative body.

21 Sec. 19. Every charter and amendment ~~thereto,~~**to the charter,**
 22 whether of villages incorporated under this act or under an
 23 existing charter of the village ~~heretofore~~**previously** granted or
 24 passed by the legislature for the government of a village, before
 25 submission to the electors ~~shall~~**must** be published **or posted** as
 26 provided in section 11. ~~of this act.~~

27 Enacting section 1. This amendatory act does not take effect
 28 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
 29 02449'19) of the 100th Legislature is enacted into law.