

MODIFY CHARTER COMMISSIONER ELECTION DEADLINE

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House Bill 5816 (H-2) as reported from committee

Sponsor: Rep. Penelope Tsernoglou

Committee: Elections

Complete to 12-7-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5816 would amend the Home Rule City Act to extend the deadline by which members of a charter commission must be elected for a city charter revision.

Unless otherwise provided by the city charter, upon the approval of 3/5 of the members of its legislative body or upon receiving an initiative petition signed by at least 5% of the city's registered voters, a city can hold an election on the question of whether to revise its charter.

If the voters approve the proposal for a general charter revision, a nine-member charter commission generally must be elected within 60 days.¹ However, the Michigan Election Law requires all city elections to be held on the regular election date in May, August, or November, or on the date of the February presidential primary election.²

House Bill 5816 would amend the Home Rule City Act to require an election for the charter commission to be held within 200 days, rather than 60 days, of the election approving the petition for a charter revision.

Additionally, under the bill, if no revised charter is adopted during the three years following the first meeting of the charter commission, the charter revision commission would be terminated. (Current law provides for termination the commission if no revised charter is adopted within three years after voters approve the proposal.)

The bill would also remove a provision that currently requires charter revision commission candidates to be placed on a separate ballot from any other items on the ballot at that election.

MCL 117.18

BRIEF DISCUSSION:

According to committee testimony, charter commissions are often approved at November elections, and since municipalities generally are limited to three election dates per year (or four dates in presidential election years), elections for charter commissioners usually are not held until the following May election. For example, the voters of Lansing approved a general revision of the city charter in November of 2023, but there was no way to reasonably hold an

¹ The act provides that charter commissioners may be elected at the same election as the question for a charter revision when provided for by the petition or upon the approval of 3/5 of the members of the city's legislative body.

² May, August, and November elections are held on the first Tuesday after the first Monday of the month, and the presidential primary election is held on the fourth Tuesday in February in each presidential election year.

election for the charter commissioners until May 2024, well after the 60-day deadline in the Home Rule City Act. Additionally, the 60-day deadline does not provide enough time to properly canvass and certify election results before administering a charter commissioner election. Supporters of House Bill 5816 argue that extending the deadline to 200 days would allow clerks to fulfill their duties while complying with the Home Rule City Act.

Opponents of the bill argue that voters who approve a general charter revision have shown that they want change, so they should not have to wait 200 days for the charter commission to be elected.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bill (11-12-24):

- Department of State
- Lansing City Clerk

The following entities indicated support for the bill (11-12-24):

- Michigan Municipal League
- Voters Not Politicians

A representative of Pure Integrity for Michigan Elections testified in opposition to the bill. (11-12-24)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.