

HOUSE BILL NO. 5816

June 12, 2024, Introduced by Reps. Tsernoglou, Dievendorf, MacDonell, Wilson, Farhat, McFall, Andrews, Rheingans and Paiz and referred to the Committee on Elections.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 18 (MCL 117.18).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. **(1)** Any city desiring to revise its charter shall do
2 so in the following manner, unless otherwise provided by charter. ~~+~~
3 ~~when its~~ **If the** legislative body **of the city** shall by a 3/5 vote of
4 the members elect declare for a general revision of the charter, or
5 ~~when if~~ an initiatory petition ~~shall be~~ **is** presented ~~therefor~~ **for a**
6 **general revision of the charter** as provided in section 25, the

1 question of having a general charter revision ~~shall~~**must** be
 2 submitted to the electors for adoption or rejection at the next
 3 general or municipal election ~~, or at a special election. In case~~
 4 **If** the electors, ~~shall,~~ by a majority vote, declare in favor of
 5 ~~such~~**a general revision of the charter**, a charter commission ~~shall~~
 6 **must** be elected within ~~60~~**200** days consisting of 9 electors of ~~such~~
 7 **the** city having a residence of at least 3 years in the
 8 municipality, or the legislative body by a 3/5 vote of the members
 9 elect or the initiatory petition may provide that the charter
 10 commission be selected at the same election at which the
 11 proposition to revise is submitted. ~~;~~ ~~the~~**The** selection ~~shall be~~**is**
 12 void if the proposition to revise is not adopted. No city officer
 13 or employee, whether elected or appointed, ~~shall be~~**is** eligible to
 14 a place on the **charter** commission.

15 (2) In the cities where ~~provision is made by~~ the city charter
 16 **provides** for the nonpartisan elections of city officers, the method
 17 prescribed for ~~such~~**the** elections ~~shall~~**must** apply in the election
 18 of charter commissioners. ~~Where no such~~**If a** provision is **not** made
 19 by the charter of ~~such~~**the** city, candidates ~~shall~~**must** be nominated
 20 by petition without reference to or designation of party
 21 affiliation, signed by a number of qualified electors of ~~such~~**the**
 22 city equal to not less than 2% and not more than 4% of the total
 23 vote cast for the chief executive office, or the highest vote cast
 24 for any commissioner in cities having the commission form of
 25 government, of ~~such~~**the** city at the last preceding election, asking
 26 that the name of the candidate designated be placed ~~upon~~**on** the
 27 ballot. The names of all candidates ~~so~~ nominated ~~shall~~**must** be
 28 placed ~~upon~~**on** a separate ballot at the election designated to be
 29 held for the election of a charter commission and without ~~their~~**the**

1 **candidates'** party affiliations designated. ~~the~~**The** 9 candidates
 2 having the greatest number of votes ~~shall~~**must** be declared elected.
 3 ~~the~~**The** election of the members of ~~such~~**the charter** commission,
 4 except as herein~~otherwise~~ specified, ~~shall~~**must** be conducted as
 5 near as ~~may be as~~**is** now provided by law for the election of city
 6 officers in the respective cities of this state unless special
 7 methods ~~shall be~~**are** otherwise provided in the charter of ~~such~~**the**
 8 city.

9 (3) If the proposed revised charter is rejected by the
 10 electors of the city, the charter revision commission shall
 11 immediately reconvene and determine whether to take no further
 12 action, in which case ~~it shall terminate~~**the charter revision**
 13 **commission terminates** and ~~cease~~**ceases** to exist, or whether to
 14 provide a revision of, or amendments to, the revised charter
 15 previously prepared by the commission. The proposed revised charter
 16 with amendments ~~shall~~**must** be resubmitted to the qualified electors
 17 of the city in the same manner and with like notice and proceedings
 18 as **originally** required. ~~in the first instance.~~ A proposed revised
 19 charter, as originally submitted or resubmitted with amendments,
 20 ~~shall~~**must not** be submitted ~~not to exceed~~**more than** 3 times to the
 21 qualified electors of the city. If the **proposed revised** charter is
 22 rejected 3 times, or if no revised charter is adopted during **the** 3
 23 years following the adoption of the proposition to revise, then the
 24 charter revision commission ~~shall terminate~~**terminates** and ~~cease~~
 25 **ceases** to exist. A new proposal to revise may be adopted at any
 26 time after termination of a charter revision commission.

27 (4) ~~When~~**If** the question of having a general revision of the
 28 charter ~~shall be~~**is** submitted to the electors of ~~any~~**a** city, the
 29 legislative body of ~~such~~**the** city or the initiative petitions may

1 provide for the submission with ~~such-the~~ question for an advisory
2 vote of the question of a change in the form of government of ~~such~~
3 **the** city, or the question of continuing any power, limitation or
4 provision granted to ~~such-the~~ city in a charter granted or passed
5 by the legislature for the government ~~thereof. When such-of the~~
6 **city. If an** advisory vote is requested in an ~~initiatory-initiative~~
7 petition, ~~such-the~~ question ~~shall-must~~ be submitted as hereinbefore
8 provided **in this section**. In the revision of the charter of any
9 city, any power, limitation or provision granted to ~~such-the~~ city
10 in any charter granted or passed by the legislature for the
11 government of ~~such-the~~ city and contained in the charter to be
12 revised may be included in ~~such-the~~ revised charter, and ~~when-so-if~~
13 included, ~~such-the~~ power, limitation, or the effect of any such
14 provision ~~shall-continue~~ **continues** with the same force and effect
15 as when granted or passed by the legislature in the first instance.