



SENATE BILL No. 1248

September 14, 1994, Introduced by Senator KELLY and
referred to the Committee on Government Operations

A bill to allow citizens of a city, township, or village to place upon the ballot and approve a local direct democracy initiative to allow for the assessment and collection of a surcharge on the property tax assessments of the city, township, or village to provide for the creation of certain revolving funds and to prescribe the powers and duties of certain state departments and state and local public officials and employees

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Sec 1 This act shall be known and may be cited as the
2 "Michigan local direct democracy initiative act"

3 Sec 2 As used in this act

4 (a) "Commission" means the local direct democracy implemen-
5 tation commission established in a municipality under section 7

6 (b) "Fund" means the local direct democracy fund for each
7 municipality created in section 6

1 (c) "Municipality" means a city, township, or village

2 Sec 3 Registered voters of a municipality may circulate

3 and sign petitions calling for a local direct democracy

4 initiative Upon receipt of petitions containing signatures of

5 10% or more of the voting age population of the municipality, the

6 municipality shall place upon the ballot at the next regularly

7 scheduled election that is more than 60 days after receipt of the

8 petitions the local direct democracy initiative proposal

9 Sec 4 If a local direct democracy initiative proposal is

10 approved by a majority of the voters at the election, the local

11 direct democracy initiative shall become effective upon the expi-

12 ration of 1 year following its approval Disapproval of a local

13 direct democracy initiative proposal does not prohibit the circu-

14 lation and signing of a new petition under section 3

15 Sec 5 Approval of the local direct democracy initiative

16 by the voters of a municipality is also an approval to assess and

17 collect a surcharge of \$10 00 per year on the property tax

18 assessment for each residential property parcel in the

19 municipality The public officials who are in charge of property

20 tax collections for the municipality shall assess and collect the

21 surcharge approved by the voters of the municipality under this

22 act

23 Sec 6 (1) A local direct democracy fund is created in the

24 municipality in which a local direct democracy initiative is

25 approved by the voters of the municipality under this act

26 Public officials of the municipality shall deposit in the fund

27 all money collected pursuant to the surcharge under section 5 and

1 any other money directed to the fund from any other source
2 Money in the fund at the end of the municipality's fiscal year
3 shall remain in the fund and does not lapse to the general fund
4 of the municipality

5 (2) Public officials of the municipality shall only use
6 money in the fund to defray the costs of local direct democracy
7 operations prescribed in this act

8 Sec 7 Not later than 60 days after the approval of a
9 local direct democracy initiative under this act, the legislative
10 body of the municipality shall establish and appoint 5 members to
11 a local direct democracy implementation commission The legisla-
12 tive body shall not appoint as a member of the commission an
13 individual who is currently holding any federal, state, or local
14 public office

15 Sec 8 The commission shall oversee the implementation of
16 the local direct democracy initiative The commission shall do
17 all of the following

18 (a) Ensure that an information system exists or is created
19 to adequately inform citizens of the municipality of the local
20 issues affecting them through the use of mailings, television or
21 cable systems, and other dissemination devices

22 (b) Ensure that the information system under subdivision (a)
23 is adequate to disseminate with minimal difficulty the informa-
24 tion to all citizens of the municipality who seek the
25 information

26 (c) Ensure that a debate system exists or is created to
27 provide for the debate of local issues affecting the citizens of

1 the municipality through the use of town meetings, television or
2 cable systems, other electronic media, or other communication
3 devices

4 (d) Ensure that the debate system under subdivision (c) is
5 adequate to allow for the debate of local issues with minimal
6 difficulty by all citizens of the municipality who seek to debate
7 those issues

8 (e) Ensure that a voting system exists or is implemented
9 that permits voters of the municipality to vote with minimal dif-
10 ficulty at a municipal election on local ordinances and other
11 substantive enactments through the use of voting by mail, by
12 phone, and by computer

13 Sec 9 On and after the effective date of the local direct
14 democracy initiative under section 4, all of the following shall
15 occur

16 (a) The registered voters of the municipality shall have an
17 opportunity at a municipal election to approve or disapprove all
18 ordinances or other substantive enactments of the legislative and
19 executive bodies of the municipality before the ordinance or
20 other substantive enactment takes effect

21 (b) The municipality shall place all ordinances and other
22 substantive enactments of the legislative and executive bodies of
23 the municipality before the registered voters of the municipality
24 at a municipal election on the first Tuesday following the first
25 Monday of each month Ordinances and substantive enactments
26 placed for a vote are those ordinances and substantive enactments
27 approved by the legislative or executive bodies of the

1 municipality in the second month immediately preceding the month
2 in which the municipal election is held under this act

3 (c) The municipality shall provide adequate notice of the
4 time and date of the municipal election, the manner of voting,
5 and the substance of the proposed ordinances or other substantive
6 enactments to be voted upon at the municipal election

7 (d) If approved by a majority of the registered voters
8 voting at the municipal election, the ordinance or other substan-
9 tive enactment takes effect as provided in the ordinance or other
10 substantive enactment by the legislative or executive body If
11 not approved by a majority of the registered voters voting at the
12 municipal election, the ordinance or other substantive enactment
13 does not take effect

14 Sec 10 A municipality that has a local direct democracy
15 initiative in effect may use mail, telephone, and computer voting
16 systems at their municipal elections held under this act The
17 department of state shall promulgate rules pursuant to the admin-
18 istrative procedures act of 1969, Act No 306 of the Public Acts
19 of 1969, being sections 24 201 to 24 328 of the Michigan Compiled
20 Laws, to provide standards for the use of voting systems by
21 municipalities under this act with the main purposes of prevent-
22 ing voter fraud and ensuring accuracy

23 Sec 11 The legislative body of a municipality in which a
24 local direct democracy initiative is approved under section 4
25 shall prepare an addendum to the municipality's charter contain-
26 ing the local direct democracy initiative The addendum shall be

1 handled by the municipality in the same manner as the
2 municipality's charter is handled pursuant to law

3 Sec 12 (1) The municipality shall place upon the ballot
4 at a regularly scheduled election a reauthorization vote of the
5 local direct democracy initiative on the following schedule

6 (a) Not later than 2 years following its effective date
7 under section 4

8 (b) If reauthorized under subdivision (a), not later than 2
9 years following that reauthorization

10 (c) If reauthorized under subdivision (b), not later than 2
11 years following that reauthorization

12 (d) If reauthorized under subdivision (c), not later than 6
13 years following that reauthorization, and not later than 6 years
14 after each subsequent reauthorization under this subdivision

15 (2) If the local direct democracy initiative reauthorization
16 is not approved by a majority of the voters at the election, the
17 local direct democracy initiative in that municipality expires
18 Disapproval of a reauthorization under this section does not pro-
19 hibit the circulation and signing of a new petition under
20 section 3