

**SUBSTITUTE FOR
SENATE BILL NO. 441**

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending sections 3, 8, 11, 21, 25, and 26 (MCL 117.3, 117.8,
117.11, 117.21, 117.25, and 117.26), section 3 as amended by 1999
PA 260 and section 25 as amended by 1982 PA 200.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. Each city charter shall provide for all of the
2 following:

3 (a) The election of a mayor, who shall be the chief execu-
4 tive officer of the city, and of a body vested with legislative
5 power, and for the election or appointment of a clerk, a treasur-
6 er, an assessor or board of assessors, a board of review, and
7 other officers considered necessary. The city charter may
8 provide for the selection of the mayor by the legislative body.
9 Elections may be by a partisan, nonpartisan, or preferential

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

2

1 ballot, or by any other legal method of voting. Notwithstanding
2 any other law or charter provision to the contrary, a city having
3 a 1970 official population of more than 150,000, whose charter
4 provides for terms of office of less than 4 years, and in which
5 the term of office for the mayor and the governing body are of
6 the same length, may provide by ordinance for a term of office of
7 up to 4 years for mayor and other elected city officials. The
8 ordinance shall provide that the ordinance shall take effect 60
9 days after it is enacted unless within the 60 days a petition is
10 submitted to the city clerk signed by not less than 10% of the
11 registered electors of the city requesting that the question of
12 approval of the ordinance be submitted to the electors at the
13 next regular election or a special election called for the pur-
14 pose of approving or disapproving the ordinance.

15 (b) The nomination of elective officers by partisan or non-
16 partisan primary, by petition, or by convention.

17 (c) ~~The~~ SUBJECT TO SECTION 26 AND OTHER APPLICABLE
18 REQUIREMENTS OF LAW, THE time, manner, and means of holding elec-
19 tions and the registration of electors.

20 (d) The qualifications, duties, and compensation of the
21 city's officers. If the city has an appointed chief administra-
22 tive officer, the legislative body of the city may enter into an
23 employment contract with the chief administrative officer extend-
24 ing beyond the terms of the members of the legislative body
25 unless such an employment contract is prohibited by the city
26 charter. An employment contract with a chief administrative
27 officer shall be in writing and shall specify the compensation to

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

3

1 be paid to the chief administrative officer, any procedure for
2 changing the compensation, any fringe benefits, and any other
3 conditions of employment. The contract shall state if the chief
4 administrative officer serves at the pleasure of the legislative
5 body, and the contract may provide for severance pay or other
6 benefits in the event the chief administrative officer's employ-
7 ment is terminated at the pleasure of the legislative body.

8 (e) The establishment of 1 or more wards, and if the members
9 of the city's legislative body are chosen by wards, for equal
10 representation for each ward in the legislative body.

11 (f) That the subjects of taxation for municipal purposes are
12 the same as for state, county, and school purposes under the gen-
13 eral law.

14 (g) The annual laying and collecting taxes in a sum, except
15 as otherwise provided by law, not to exceed 2% of the taxable
16 value of the real and personal property in the city. Unless the
17 charter provides for a different tax rate limitation, the govern-
18 ing body of a city may levy and collect taxes for municipal pur-
19 poses in a sum not to exceed 1% of the taxable value of the real
20 and personal property in the city, subject to section ~~1a of~~
21 ~~chapter VII of the municipal finance act, 1943 PA 202,~~
22 ~~MCL 137.1a~~ 701 OF THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34,
23 MCL 141.2701. As used in this subdivision, "taxable value" is
24 that value determined under section 27a of the general property
25 tax act, 1893 PA 206, MCL 211.27a.

26 (h) An annual appropriation of money for municipal
27 purposes.

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

4

1 (i) The levy, collection, and return of state, county, and
2 school taxes in conformance with the general laws of this state,
3 except that the preparation of the assessment roll, the meeting
4 of the board of review, and the confirmation of the assessment
5 roll may be at the times provided in the city charter.

6 (j) The public peace and health and for the safety of per-
7 sons and property. In providing for the public peace, health,
8 and safety, a city may expend funds or enter into contracts with
9 a private organization, the federal or state government, a
10 county, village, or township, or another city for services con-
11 sidered necessary by the legislative body. Public peace, health,
12 and safety services may include the operation of child guidance
13 and community mental health clinics, the prevention, counseling,
14 and treatment of developmental disabilities, the prevention of
15 drug abuse, and the counseling and treatment of drug abusers.

16 (k) Adopting, continuing, amending, and repealing the city
17 ordinances and for the publication of each ordinance before it
18 becomes operative. Whether or not provided in its charter,
19 instead of publishing a true copy of an ordinance before it
20 becomes operative, the city may publish a summary of the
21 ordinance. If the city publishes a summary of the ordinance, the
22 city shall include in the publication the designation of a loca-
23 tion in the city where a true copy of the ordinance can be
24 inspected or obtained. ~~Any~~ A charter provision to the contrary
25 notwithstanding, a city may adopt an ordinance punishable by
26 imprisonment for not more than 93 days or a fine of not more than
27 \$500.00, or both, if the violation substantially corresponds to a

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

5

1 violation of state law that is a misdemeanor for which the
2 maximum period of imprisonment is 93 days. Whether or not pro-
3 vided in its charter, a city may adopt a provision of ~~any~~ A
4 state statute for which the maximum period of imprisonment is 93
5 days, the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
6 257.923, or a law, code, or rule that has been promulgated and
7 adopted by an authorized agency of this state pertaining to fire,
8 fire hazards, fire prevention, or fire waste, and MAY ADOPT a
9 fire prevention code, plumbing code, heating code, electrical
10 code, building code, refrigeration machinery code, piping code,
11 boiler code, boiler operation code, OR elevator machinery code,
12 or a code pertaining to flammable liquids and gases or hazardous
13 chemicals, that has been promulgated by this state, by a depart-
14 ment, board, or other agency of this state, or by an organization
15 or association that is organized and conducted for the purpose of
16 developing the code, by reference to the law, code, or rule in an
17 adopting ordinance and without publishing the law, code, or rule
18 in full. The law, code, or rule shall be clearly identified in
19 the ordinance and its purpose shall be published with the adopt-
20 ing ordinance. Printed copies of the law, code, or rule shall be
21 kept in the office of the city clerk, available for inspection
22 by, and distribution to, the public at all times. The publica-
23 tion shall contain a notice stating that a complete copy of the
24 law, code, or rule is made available to the public at the office
25 of the city clerk in compliance with state law requiring that
26 records of public bodies be made available to the general
27 public. A city shall not enforce ~~any~~ A provision adopted by

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

6

1 reference for which the maximum period of imprisonment is greater
2 than 93 days.

3 (l) That the business of the legislative body shall be con-
4 ducted at a public meeting held in compliance with the open meet-
5 ings act, 1976 PA 267, MCL 15.261 to 15.275. All records of the
6 municipality shall be made available to the general public in
7 compliance with the freedom of information act, 1976 PA 442,
8 MCL 15.231 to 15.246.

9 (m) Keeping in the English language a written or printed
10 journal of each session of the legislative body.

11 (n) A system of accounts that conforms to a uniform system
12 of accounts as required by law.

13 Sec. 8. (1) ~~Said petition~~ SUBJECT TO SUBSECTIONS (2) AND
14 (3), A PETITION UNDER SECTION 6 shall be addressed to the COUNTY
15 board of ~~supervisors~~ COMMISSIONERS of the county in which the
16 territory to be affected by ~~such~~ THE proposed incorporation,
17 consolidation, or change of boundaries is located, and shall be
18 filed with the clerk of ~~said board~~ THE COUNTY BOARD OF
19 COMMISSIONERS not less than 30 days before the convening of
20 ~~such~~ THE board in regular session, or in any special session
21 called for the purpose of considering ~~said~~ THE petition. ~~—, and~~
22 ~~if, before final action thereon, it shall appear to said board or~~
23 ~~a majority thereof that said petition or the signing thereof does~~
24 ~~not conform to this act, or contains incorrect statements, no~~
25 ~~further proceedings pursuant to said petition shall be had, but,~~
26 ~~if it shall appear that said petition conforms in all respects to~~
27 ~~the provisions of this act, and that the statements contained~~

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

7

1 ~~therein are true, said board of supervisors~~ THE BOARD SHALL
2 DETERMINE WHETHER THE PETITION COMPLIES WITH THE REQUIREMENTS OF
3 THIS ACT AND WHETHER THE STATEMENTS CONTAINED IN THE PETITION ARE
4 CORRECT. IF A MAJORITY OF THE BOARD DETERMINES THAT THE PETITION
5 DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS ACT OR THAT A
6 STATEMENT CONTAINED IN THE PETITION IS NOT CORRECT, THE BOARD
7 SHALL NOT CONDUCT FURTHER PROCEEDINGS ON THE PETITION. SUBJECT
8 TO SUBSECTION (4), IF THE BOARD DETERMINES THAT THE PETITION COM-
9 PLIES WITH THE REQUIREMENTS OF THIS ACT AND THAT THE STATEMENTS
10 CONTAINED IN THE PETITION ARE CORRECT, THE BOARD shall, by reso-
11 lution, provide that the question of making the proposed incorpo-
12 ration, consolidation, or change of boundaries ~~shall~~ be submit-
13 ted to the qualified electors of the district to be affected at
14 the next general election ~~, occurring in not less than 40 days~~
15 ~~after the adoption of such resolution, and if no general election~~
16 ~~is to occur within 90 days, said resolution may fix a date pre-~~
17 ~~ceding said general election for a special election on such~~
18 ~~question: Provided, however, That whenever~~ OR AT A SPECIAL
19 ELECTION BEFORE THE NEXT GENERAL ELECTION. HOWEVER, THE BALLOT
20 QUESTION SHALL NOT BE SUBMITTED AT AN ELECTION TO BE HELD LESS
21 THAN 60 DAYS AFTER THE ADOPTION OF THE RESOLUTION.

22 (2) IF it is proposed to incorporate an incorporated village
23 as a city without change of boundaries, ~~the~~ BOTH OF THE FOLLOW-
24 ING APPLY:

25 (A) THE initiatory petition ~~herein~~ provided for UNDER SEC-
26 TION 6 shall be addressed to the village council or other
27 legislative body of ~~such~~ THE village and shall be filed with

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

8

1 the village clerk at least 30 days before final action is taken
2 ~~thereupon and in such case all acts and duties provided in this~~
3 ~~act to be performed by the board of supervisors shall be per-~~
4 ~~formed by the common council of such village and all acts and~~
5 ~~duties provided in this act to be performed by the clerk of the~~
6 ~~board of supervisors shall be performed by the village clerk.~~
7 ~~Provided further, That a~~ ON THE PETITION.

8 (B) THE POWERS AND DUTIES OF THE COUNTY BOARD OF COMMISSION-
9 ERS AND COUNTY CLERK UNDER SUBSECTION (1) ARE ASSIGNED TO THE
10 VILLAGE COUNCIL AND VILLAGE CLERK, RESPECTIVELY.

11 (3) A petition covering the same territory, or part
12 ~~thereof~~ OF THE SAME TERRITORY, shall not be considered by the
13 COUNTY board of ~~supervisors oftener~~ COMMISSIONERS MORE OFTEN
14 than once in every 2 years, unless ~~such~~ THE petition ~~shall~~
15 ~~have been~~ IS signed by ~~a number~~ NOT LESS THAN 35% of taxpayers
16 ~~assessed for real property taxes within the area proposed to be~~
17 ~~annexed~~ whose names appear on the latest assessment rolls
18 ~~therein~~ under the requirements of the general property tax ~~,~~
19 ~~equal to 35% of the total number of names which appear on the~~
20 ~~assessment rolls prepared pursuant to said~~ act, 1893 PA 206,
21 MCL 211.1 TO 211.157, as being assessed for real property taxes
22 within the area proposed to be annexed. ~~, and it shall be the~~
23 ~~duty of the~~ THE assessing officers who are charged with the duty
24 of assessing real property within the area proposed to be annexed
25 ~~to~~ SHALL report as of the date on which the petition is filed
26 the total number of names on such rolls, within such area, to the
27 clerk of the ~~board of supervisors~~ COUNTY BOARD OF COMMISSIONERS

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

9

1 not more than 14 days after ~~said~~ THE filing date. ~~Provided,~~
2 ~~That no vote shall be required~~

3 (4) A VOTE IS NOT REQUIRED if the city owns the land sought
4 to be annexed.

5 (5) After the adoption of ~~such~~ A resolution UNDER SUBSEC-
6 TION (1) SUBMITTING A QUESTION TO A VOTE OF THE ELECTORS, neither
7 the sufficiency nor legality of the petition ~~on which it is~~
8 ~~based~~ UNDER SECTION 6 may be questioned in any proceeding.

9 Sec. 11. (1) ~~When~~ IF the territory to be affected by
10 ~~any~~ A proposed incorporation, consolidation, or change OF
11 BOUNDARIES is situated in more than 1 county, the petition
12 ~~hereinbefore provided~~ UNDER SECTION 6 shall be addressed and
13 presented to the secretary of state. ~~, with~~ THE PETITION SHALL
14 BE ACCOMPANIED BY 1 or more affidavits ~~attached thereto sworn~~
15 ~~to~~ by 1 or more of the signers of ~~said~~ THE petition ~~, show-~~
16 ing ~~that~~ ALL OF THE FOLLOWING:

17 (A) THAT the statements contained in ~~said~~ THE petition are
18 true. ~~, that~~

19 (B) THAT each signature affixed ~~thereto~~ TO THE PETITION is
20 the ~~genuine~~ ACTUAL signature of a qualified elector residing in
21 a city, village, or township to be affected by the carrying out
22 of the purposes of the petition. ~~and that~~

23 (C) THAT not less than 25 of ~~such~~ THE PETITION signers
24 reside in each city, village, or township to be affected.
25 ~~thereby.~~

26 (2) The secretary of state shall examine ~~such~~ THE petition
27 and the ACCOMPANYING affidavit or affidavits. ~~annexed, and if he~~

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

10

1 ~~shall find that the same conforms to the provisions~~ IF THE
2 SECRETARY OF STATE FINDS THAT THE PETITION AND ACCOMPANYING AFFI-
3 DAVIT OR AFFIDAVITS COMPLY WITH THE REQUIREMENTS of this act, he
4 OR SHE shall so certify ~~—~~ and SHALL transmit THE CERTIFICATE
5 AND a certified copy of ~~said~~ THE petition and the accompanying
6 affidavit or affidavits to the clerk of each city, village, or
7 township to be affected by the ~~carrying out of the purposes of~~
8 ~~such petition, together~~ PROPOSED INCORPORATION, CONSOLIDATION,
9 OR CHANGE OF BOUNDARIES, ALONG with ~~his certificate as above~~
10 ~~provided, and~~ a notice directing that ~~at the next general elec-~~
11 ~~tion occurring not less than 40 days thereafter~~ the question of
12 making the incorporation, consolidation, or change of boundaries
13 petitioned for ~~—~~ shall be submitted to the electors of the dis-
14 trict to be affected. ~~—, and if no general election is to be held~~
15 ~~within 90 days the resolution may fix a date preceding the next~~
16 ~~general election for a special election on the question. If he~~
17 ~~shall find that said~~ THE NOTICE SHALL PROVIDE THAT THE BALLOT
18 QUESTION SHALL BE SUBMITTED AT THE NEXT GENERAL ELECTION OR AT A
19 SPECIAL ELECTION BEFORE THE NEXT GENERAL ELECTION. HOWEVER, THE
20 BALLOT QUESTION SHALL NOT BE SUBMITTED AT AN ELECTION TO BE HELD
21 LESS THAN 60 DAYS AFTER THE DATE OF TRANSMITTAL OF THE
22 CERTIFICATE.

23 (3) IF THE SECRETARY OF STATE FINDS THAT THE petition and
24 the ACCOMPANYING affidavit or affidavits ~~annexed thereto~~ do not
25 ~~conform to the provisions~~ COMPLY WITH THE REQUIREMENTS of this
26 act, he OR SHE shall certify to that fact ~~—~~ and SHALL return

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

11

1 ~~said~~ THE petition and affidavits to the person from whom they
2 were received, ~~together~~ ALONG with ~~such~~ THE certificate.

3 (4) The ~~several~~ city, village, and township clerks who
4 ~~shall~~ receive from the secretary of state the copies and cer-
5 tificates ~~above~~ provided for IN SUBSECTION (2) shall give
6 notice of the election to be held on the question of making the
7 proposed incorporation, consolidation, or change of boundaries as
8 provided for in section 10. ~~of this act.~~

9 Sec. 21. (1) ~~Any~~ AN AMENDMENT TO AN existing city
10 charter, whether ~~passed~~ THE CHARTER WAS ADOPTED pursuant to
11 ~~the provisions of~~ this act or ~~heretofore~~ FORMERLY granted or
12 passed by the legislature for the government of a city ~~, may~~
13 ~~from time to time be amended in the manner following: An~~
14 ~~amendment~~ may be proposed by the legislative body of a city on a
15 3/5 vote of the members-elect or by an initiatory petition. ~~as~~
16 ~~herein provided, and in case the same~~ IF THE AMENDMENT is pro-
17 posed by the legislative body of the city, ~~then the same~~ THE
18 AMENDMENT shall be submitted to the electors of ~~such~~ THE city
19 at the next regular municipal or general state election, or AT A
20 special election ~~, to be held in such city~~ HELD not less than
21 60 days after the proposal of ~~such~~ THE amendment. ~~, and in~~
22 ~~case~~ IF the amendment is proposed by an initiatory petition, ~~as~~
23 ~~herein provided, then the same~~ THE AMENDMENT shall be submitted
24 to the electors of ~~such city as herein provided~~ THE CITY at the
25 next regular municipal or general state election held in ~~such~~
26 THE city ~~which shall occur~~ not less than 90 days ~~following~~
27 AFTER the filing of ~~such petitions~~ THE PETITION.

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

12

1 (2) Proposed charter amendments and other questions to be
2 submitted to the electors shall be published in full with exist-
3 ing charter provisions ~~which~~ THAT would be altered or abrogated
4 thereby. The purpose of ~~any such~~ THE proposed charter amend-
5 ment or question shall be designated on the ~~ballots~~ BALLOT in
6 not more than 100 words, exclusive of caption, which shall con-
7 sist of a true and impartial statement of the purpose of the
8 amendment or question in ~~such~~ language ~~as shall~~ THAT DOES NOT
9 create ~~no~~ prejudice for or against ~~such~~ THE amendment or
10 question. ~~, and the~~ THE text of ~~such~~ THE statement shall be
11 submitted to the attorney general for approval as to compliance
12 with this requirement before being printed. ~~:- Provided, That~~
13 IN ADDITION, the proposed charter amendment in full shall be
14 posted in a conspicuous place in each polling place. The form in
15 which ~~any~~ A proposed charter amendment or question shall appear
16 on the ballot, unless provided for in the initiatory petition,
17 shall be determined by resolution of the legislative body, and
18 when provided for by the initiatory petition, the legislative
19 body may add ~~such~~ AN explanatory caption. ~~as shall be deemed~~
20 ~~advisable. Any proposed~~

21 (3) A PROPOSED CHARTER amendment shall be confined to 1
22 subject. ~~and in case a subject should embrace~~ IF THE SUBJECT OF
23 A CHARTER AMENDMENT INCLUDES more than 1 related proposition,
24 each proposition shall be separately stated to afford an opportu-
25 nity for an elector to vote for or against each such proposition.
26 ~~:- Provided, That~~ IF a proposed charter amendment ~~failing of~~
27 ~~adoption at any election~~ IS REJECTED AT AN ELECTION, THE

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

13

1 AMENDMENT shall not be resubmitted for a period of 2 years. →
2 ~~Provided further, That in any city in which a city election is~~
3 ~~held in April, the legislative body thereof may amend the charter~~
4 ~~of said city by resolution so as to provide that there shall be~~
5 ~~nominated on the third Monday in February preceding any April~~
6 ~~election, by direct vote of the registered and qualified voters~~
7 ~~within such city, candidates for ward and city offices to be~~
8 ~~voted for at the next April election: Provided further, That~~
9 ~~any~~

10 (4) A city charter ~~heretofore~~ FORMERLY granted by A DIF-
11 FERENT ACT OF the state legislature, ~~not pursuant to the provi-~~
12 ~~sions of this act,~~ including ~~charters of cities~~ THE CHARTER OF
13 A CITY of the fourth class, ~~amended as herein provided, by~~
14 ~~adopting or coming~~ THAT ADOPTS OR COMES under any part of this
15 act by amendment UNDER THIS SECTION, and not by general revision,
16 adoption, or incorporation under this act, may again be amended
17 ~~hereunder~~ UNDER THIS SECTION, as to ~~such~~ THE part or parts
18 ~~so~~ THAT ARE amended, by re-enacting ~~hereunder,~~ UNDER THIS
19 SECTION that part or parts of the original act of incorporation
20 ~~which~~ THAT existed before ~~any~~ AN amendment was made
21 ~~hereunder, and such~~ UNDER THIS ACT. THE part or parts of the
22 original act of incorporation ~~so~~ THAT ARE re-enacted shall not
23 be ~~considered or~~ construed as operating or coming under the
24 provisions of this act in any manner, it being the intention to
25 permit a city ~~operating under such a charter~~ DESCRIBED IN THIS
26 SUBSECTION, to adopt by amendment any part of the provisions of

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

14

1 this act permissible ~~and thereafter~~ OR to withdraw from the
2 provisions of this act.

3 (5) Propositions and questions shall be proposed, initiated,
4 submitted and canvassed in a manner similar to that provided for
5 charter amendments.

6 Sec. 25. (1) An initiatory petition authorized by this act
7 shall be addressed to and filed with the city clerk. The peti-
8 tion shall state what body, ~~or~~ organization, ~~if any, or if no~~
9 ~~body or organization, then what persons are~~ OR PERSON IS primar-
10 ily interested in and responsible for the circulation of the
11 petition and the securing of the amendment. Each sheet of the
12 petition shall be verified by the affidavit of the person who
13 obtained the signatures to the petition. ~~and~~ THE PETITION shall
14 be signed by at least 5% of ~~those persons residing in~~ THE
15 QUALIFIED and registered ~~to vote in~~ ELECTORS OF the
16 municipality. ~~, the charter of which is to be amended, as of the~~
17 ~~date when they signed the petition.~~ Each signer of the petition
18 shall ~~inscribe upon it~~ ALSO WRITE, immediately after his or her
19 signature, the date of signing and his or her street address.
20 ~~Any signatures~~ A SIGNATURE obtained more than 1 year before the
21 filing of the petition with the city clerk shall not be counted.

22 (2) The ~~verification shall state that the petition was cir-~~
23 ~~culated at the request of and pursuant to the directions of the~~
24 ~~association, organization, or persons desiring the amendment and~~
25 ~~shall also state that the signatures were obtained by the person~~
26 ~~verifying the petition; that the signatures are the signatures of~~
27 ~~the persons purporting to sign the same and that each of them~~

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

15

1 ~~signed in his or her presence; and that the person verifying the~~
2 ~~petition has good reason to believe and verily does believe that~~
3 ~~the signers of the petition are duly registered electors of the~~
4 ~~municipality and are the identical persons their signatures pur-~~
5 ~~port them to be~~ PETITION IS SUBJECT TO THE REQUIREMENTS OF SEC-
6 TION 25A.

7 (3) ~~Any~~ A person who ~~shall wilfully affix~~ WILLFULLY
8 AFFIXES another's signature, or ~~subscribe and swear~~ SUBSCRIBES
9 AND SWEARS to a verification THAT IS false in any material
10 particular, is guilty of perjury. ~~and any~~ A person who ~~shall~~
11 ~~take~~ TAKES the oath of another to the petition not knowing him
12 or her to be the ~~identical~~ SAME person he or she represents
13 himself or herself to be or knowing that the petition or any part
14 ~~thereof~~ OF IT is false or fraudulent in any material particu-
15 lar, or who ~~shall~~ falsely ~~represent~~ REPRESENTS that the pro-
16 posed amendment is proposed by ~~parties~~ PERSONS other than the
17 true sponsors, is guilty of a felony and ~~shall be~~ IS liable
18 ~~to~~ FOR the same punishment as provided for perjury.

19 (4) Upon receipt of the petition, the city clerk shall can-
20 vass it to ascertain if it ~~has been~~ IS signed by the requisite
21 number of registered electors. For the purpose of determining
22 the validity of the petition, the city clerk may ~~cause~~ CHECK
23 any doubtful signatures ~~to be checked~~ against the registration
24 records of the city. Within 45 days ~~from~~ AFTER the date of the
25 filing of the petition, the city clerk shall certify the suffi-
26 ciency or insufficiency ~~thereof~~ OF THE PETITION. If the
27 petition contains the requisite number of signatures of

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

16

1 registered electors, the clerk shall ~~cause~~ SUBMIT the proposed
2 amendment ~~to be submitted~~ to the electors of the city at the
3 next regular municipal or general ~~state~~ election held in the
4 city ~~which shall occur~~ THAT OCCURS not less than 90 days fol-
5 lowing the filing of the petition.

6 (5) ~~When~~ IF the petition ~~shall contain~~ CONTAINS the
7 ~~number of~~ signatures ~~equal to or in excess~~ of 20% ~~of those~~
8 OR MORE OF THE persons residing in and registered to vote in the
9 city as of the date when they signed it, and ~~when~~ the petition
10 ~~shall request that~~ REQUESTS SUBMISSION OF the proposal
11 ~~petitioned for shall be submitted~~ at a special election, ~~to be~~
12 ~~called for the purpose of submitting the same,~~ the city clerk
13 within 90 days ~~of~~ AFTER the date of the filing of the petition,
14 shall call a special election to be held ~~not less than 120 days~~
15 ~~nor more than 130 days after the date of filing the petition~~
16 ~~unless a primary or regular election shall occur or a special~~
17 ~~election shall have been or shall be called for other purposes to~~
18 ~~be held within 150 days after the date of the filing of the~~
19 ~~petition. In that event the proposal shall be submitted at such~~
20 ~~primary, regular, or special election and a special election~~
21 ~~shall not be so called.~~ ON THE NEXT STANDARD ELECTION DAY PRO-
22 VIDED UNDER SECTION 641 OF THE MICHIGAN ELECTION LAW, 1954
23 PA 116, MCL 168.641, NOT LESS THAN 120 DAYS AFTER THE PETITION IS
24 FILED. Other proposals, whether initiated by a 5% petition or
25 proposed by the legislative body within the times ~~within this~~
26 ~~act~~ provided IN THIS ACT, may be submitted at ~~such special~~
27 THAT election. A proposal submitted to the electors by the

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

17

1 initiative and receiving an affirmative majority of the votes
2 cast ~~thereon~~ ON THE PROPOSAL shall not be held unconstitution-
3 al, invalid, or void on account of the insufficiency of the peti-
4 tion by which ~~submission of the same~~ PROPOSAL was ~~procured~~
5 SUBMITTED.

6 (6) Except as provided by subsection (7), ~~any~~ A proposal
7 ~~contemplating~~ ADOPTED BY THE ELECTORS THAT CONTEMPLATES
8 increased expenditure of funds by the municipality ~~shall become~~
9 BECOMES effective ~~, if adopted by the electors,~~ only at the
10 beginning of that fiscal year of the municipality commencing not
11 earlier than 60 days following the election at which the proposal
12 was approved by the electors.

13 (7) If a proposal ~~which~~ THAT increases the city's ad
14 valorem property tax limitation applies, by its terms, for a spe-
15 cific year or period commencing before the date the proposal
16 would otherwise take effect under subsection (6), the proposal
17 shall be effective both from the date it is approved by the elec-
18 tors and retroactively for the year or period specified in the
19 proposal. Notwithstanding ~~any~~ A charter provision to the con-
20 trary, if a proposal is approved by the electors and given effect
21 under this subsection after the city has levied its ad valorem
22 property tax levy for the fiscal year and if the adopted proposal
23 authorizes the levy of a millage rate for the fiscal year during
24 which the proposal was approved in excess of the rate the city
25 was authorized to levy before adoption of the proposal, the city
26 may levy an additional tax. ~~to~~ THE ADDITIONAL TAX SHALL be
27 collected either by a supplementary billing by the city or at the

SB 441, As Passed Senate, March 21, 2002

Senate Bill No. 441

18

1 same time and in the same manner the county's ad valorem property
2 tax levy is collected.

3 (8) ~~Any~~ A person aggrieved by ~~any~~ AN action, or failure
4 of action, of the city clerk may bring an action against the
5 clerk in the circuit court for writ of mandamus or for other
6 appropriate relief.

7 Sec. 26. (1) All elections held ~~hereunder~~ UNDER THIS ACT
8 shall be paid for by the locality where held. ~~, and except as~~
9 ~~now~~ EXCEPT AS otherwise provided by law or ordinance, ~~shall~~
10 ~~receive such~~ THE LEGISLATIVE BODY OF THE CITY SHALL DETERMINE
11 THE publication and notice ~~as the legislative body may deter-~~
12 ~~mine, and shall be arranged for, held and conducted by the same~~
13 ~~officers and in the same manner as near as may be as general~~
14 ~~biennial fall elections~~ OF THE ELECTION.

15 (2) NOTWITHSTANDING A CHARTER PROVISION PROVIDING OTHERWISE,
16 THE DAY ON WHICH A CITY HOLDS ITS REGULAR OR A SPECIAL ELECTION
17 OR PRIMARY ELECTION IS GOVERNED BY THE MICHIGAN ELECTION LAW,
18 1954 PA 116, MCL 168.1 TO 168.992, OR BY A RESOLUTION ADOPTED IN
19 COMPLIANCE WITH SECTION 642 OF THE MICHIGAN ELECTION LAW, 1954 PA
20 116, MCL 168.642.

21 Enacting section 1. This amendatory act takes effect
22 January 1, 2003.

23 Enacting section 2. This amendatory act does not take
24 effect unless all of the following bills of the 91st Legislature
25 are enacted into law:

26 (a) Senate Bill No. 439.

SB 441, As Passed Senate, March 21, 2002

(b) Senate Bill No. 440.