

SUBSTITUTE FOR
HOUSE BILL NO. 5816

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
7 question of having a general charter revision ~~shall~~ **must** be
8 submitted to the electors for adoption or rejection at the next
9 general or municipal election ~~—~~ or at a special election. ~~In case~~

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

12 (2) In the cities where ~~provision is made by~~ the city charter
 13 **provides** for the nonpartisan elections of city officers, the method
 14 prescribed for ~~such the~~ elections ~~shall~~ **must** apply in the election
 15 of charter commissioners. ~~Where no such~~ **If a** provision is **not** made
 16 by the charter of ~~such the~~ city, candidates ~~shall~~ **must** be nominated
 17 by petition without reference to or designation of party
 18 affiliation, signed by a number of qualified electors of ~~such the~~
 19 city equal to not less than 2% and not more than 4% of the total
 20 vote cast for the chief executive office, or the highest vote cast
 21 for any commissioner in cities having the commission form of
 22 government, of ~~such the~~ city at the last preceding election, asking
 23 that the name of the candidate designated be placed ~~upon~~ **on** the
 24 ballot. The names of all candidates ~~so~~ nominated ~~shall~~ **must** be
 25 placed ~~upon~~ **on** a ~~separate~~ ballot at the election designated to be
 26 held for the election of a charter commission and without ~~their the~~
 27 **candidates'** party affiliations designated. ~~the~~ **The** 9 candidates
 28 having the greatest number of votes ~~shall~~ **must** be declared elected.
 29 ~~the~~ **The** election of the members of ~~such the~~ **charter** commission,

except as ~~herein~~**otherwise** specified, ~~shall~~**must** be conducted as near as ~~may be as~~**is** now provided by law for the election of city officers in the respective cities of this state unless special methods ~~shall be~~**are** otherwise provided in the charter of ~~such~~**the** city.

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

(4) ~~When~~**If** the question of having a general revision of the charter ~~shall be~~**is** submitted to the electors of ~~any a~~**a** city, the legislative body of ~~such~~**the** city or the initiative petitions may provide for the submission with ~~such~~**the** question for an advisory vote of the question of a change in the form of government of ~~such~~

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