

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 221

ISSUE CATEGORY: Government Operations & Structure

SOURCE: Mayor Bing Administration

RELATED CHARTER SECTIONS: §12-108 (Submission to Voters)

Letter, Rec'd December 21, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S): Michigan Election Law, MCL 168.1 et seq.

ISSUE/PROPOSAL STATEMENT: Rename section. Remove the timeline for submitting measures to voters where City Council fails to enact or repeal an ordinance in accordance with 12-107, and replace it with a requirement that City Council forward the proposed initiative or referendum petition to the Election Commission for a determination of whether the question can lawfully be placed on the ballot and if there are no legal impediment then submit it to voter in accordance with Michigan Election Law.

Sec. 12-108. Submission to Election Commission and voters.

~~If a measure must be submitted to the voters, it shall be submitted:~~

- ~~1- In the case of initiative, at the next election in the city, or, in the discretion of the city council, at a special election; and~~
- ~~2- In the case of referendum, at the next election in the city occurring not sooner than seventy (70) days after the city council's determination not to repeal the measure, or, in the discretion of the city council, at a special election.~~

~~Except as otherwise required by law, the result of any initiative or referendum election shall be determined by a majority of the voters voting on the question.~~

If the City fails to enact or repeal the ordinance in accordance with Section 12-[1]07 of this Charter, the City Council shall forward the proposed initiative or referendum petition to the Election Commission for a determination of whether the question can lawfully be placed on the ballot. If there is no legal impediment to placing the measure on the ballot, the Election Commission shall place the question on the ballot and submit the measure to the voters in accordance with the requirements of Michigan Election Law, MCL 168.1 et seq.

RATIONALE: *"The changes to Sections 12-104, 12-107, and 12-108 clarify the duties of the City Clerk, the City Council, the Mayor, and the Election Commission regarding the right of the People of the City of Detroit to initiate or repeal City ordinances. In addition, the changes make these sections commensurate with Michigan Election Law, MCL 168.1 et seq."* -Mayor Bing Administration, Letter, Rec'd December 21, 2010.

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: