

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 200

ISSUE CATEGORY: Government Operations & Structure

SOURCE: Mayor Bing Administration

RELATED CHARTER SECTIONS: §3-102 (Department of Elections)

Letter, Rec'd December 21, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S): Michigan Election Law, MCL 168.719

ISSUE/PROPOSAL STATEMENT: Create a separate section delineating the powers and duties of the Election Commission; clarify application of Open Meetings Act; and substitute the Election Commission (not City Clerk) as responsible for maintaining voter registration sites throughout the City.

Sec. 3-103. Powers and Duties of Commission.

The Election Commission has general supervision of all elections in the City and may hire assistants, inspectors, and other election personnel. Precinct election officers and temporary employees required from time to time for periods not to exceed thirty (30) business days may be appointed, exempt from Article 6, Chapter 5, of this Charter.

Except as otherwise provided by this Charter or ordinance, the Election Commission shall perform all duties required of election commissions by law. ~~¶~~ The Body may subpoena witnesses, administer oaths, take testimony and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for the failure to obey a subpoena or order, the Commission shall apply to the appropriate court.

All meetings of the commission shall be ~~open to the public~~ conducted in compliance with the Michigan Open Meetings Act, MCL 15.261 et seq., including making a record of its proceedings.

In case of any doubt concerning election procedure, the Commission shall prescribe the procedure to be followed.

The Election Commission ~~city clerk~~ shall maintain reasonably accessible voter registration sites throughout the city on a year-round basis.

RATIONALE: *“Section 3(a) of the Michigan Home Rule City Act, MCL 117.3(a), requires that a city charter provide for a city clerk. In addition, Section 719 of Michigan Election Law, MCL 168.719, provides that a city election commission shall perform such duties relative to the preparation, printing and delivery of ballots as required by law of county boards of election commissioners.*

“Sections 3-101 through 3-108 of the 1997 Detroit City Charter intermix the separate responsibilities the Office of the City Clerk and the City Clerk as the “chief elections officer of the city” who is the chair of the Election Commission. The recommended changes provide a clear delineation between the responsibilities of the Department of Elections and the Office of the City Clerk. In addition, the recommended changes provide a clear delineation between the role of the City Clerk as a member

of the Election Commission and as the head of the Office of the City Clerk.”-Mayor Bing Administration, Letter, Rec’d December 21, 2010.

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: