

**DETROIT CHARTER REVISION COMMISSION**  
**PROPOSAL/ISSUE REVIEW SUMMARY**

**ISSUE NUMBER:** GOS 51

**ISSUE CATEGORY:** Government Operations & Structure

**SOURCE:** City Council,

**RELATED CHARTER SECTIONS:** § 3-101 (City Elections)

Letter dated December 2, 2010

**RELEVANT ORDINANCE SECTION:**

**RELEVANT LAW(S):** Michigan Elections Law, 168.1, et seq.

---

**ISSUE/PROPOSAL STATEMENT:** Changes primary and general elections from definitive dates to those prescribed by state law. Makes city clerk subject to its language on elections to fill vacancies. Provides interim process for filling vacancies in office of mayor, city council and city clerk, until next general election is held. Allows city council to fill vacancy in office of mayor at any time by special election if approved by a 2/3 vote of members serving.

Sec. 3-101. City elections.

City elections shall be held on the dates provided for elections by state law.

If a vacancy occurs in the office of mayor, city council or city clerk it shall be filled by succession in the case of the mayor as provided in Section 5-109 and by appointment in the case of a city council member or the city clerk as provided in Sections 4-10 and 3-103 respectively, until the next general election in the city held not sooner than one-hundred and eighty (180) days after the occurrence of the vacancy.

The city council may, by resolution adopted not less than seventy (70) days before any election or special election, submit any proposal to the voters of the city.<sup>1</sup>

The city council may schedule a special election to fill a vacancy in the mayor's office, by two-thirds (2/3) vote of the city council members serving.

**RATIONALE:** "The language was changed to acknowledge that city elections may be held only on state mandated dates. Additionally, the language omits provision for special elections solely to fill a vacancy, but rather authorizes the filling of vacancies by appointment and succession until the next citywide election, or in the event of a 2/3 vote of council, at a special election if desired. This measure is intended to balance the cost of a special election with the right of the voters to choose an elected official at the earliest possible election, as well as the potential need for a special election under some unforeseeable circumstances." – City Council's Recommendations, dated November 19, 2010.

"The language was changed to acknowledge that city elections shall be held only on the four dates per year (occurring in February, May, August and November), as mandated by state statute. Additionally, the language omits provision for special elections solely to fill a vacancy, but rather authorizes the filling of vacancies by appointment and succession until the next citywide election. For the Mayor only, due to the unique circumstances of the Mayor's office, the office may be filled at a special election authorized by a two-thirds vote of city council. This measure is intended to balance the cost of a special election with the right of the voters to choose an elected official at the earliest possible election, as well as the potential need

---

<sup>1</sup> The provision for city council initiated ballot proposals was inadvertently omitted from City Council's memo dated November 19, 2010. That omission has not been repeated in [the] redline version.

**Deleted:** A regular city general election to fill the elective offices of the city shall be held on the Tuesday after the first (1st) Monday of November of 1997 and every fourth (4th) year thereafter

**Deleted:** A regular city primary election to nominate candidates for city offices shall be held on the Tuesday after the second (2nd) Monday of September before the general election. ¶

**Deleted:** or

**Deleted:** thirty (30) days or more before the filing deadline for a general election in the city or special citywide election, the vacancy shall be filled at that election for the remainder of the unexpired term. When a vacancy occurs in the office of mayor or city council less than thirty (30) days before the filing deadline for a general election in the city or special citywide election, the city council shall order a special primary election for nomination of candidates and a special general election to fill the vacancy for the remainder of the unexpired term. The resolution ordering a special election shall be adopted at least eighty (80) days before the special primary election and at least one hundred twenty (120) days before the special general election. Nominating petitions shall be filed not later than the fourth (4th) Tuesday after adoption of the resolution ordering the special elections. Vacancies occurring on or after March 1st of the year in which city elections are held shall not be filled by a special election

for a special election under some unforeseeable circumstances, as a safety valve. This will alleviate the unfortunate situation that occurred in the city recently requiring four mayoral elections (2 primaries and 2 general elections) in one year - at great expense to the city.

“\*\*This provision, with respect to council vacancies, mirrors section 4-104 of the city's 1974 charter, entitled "Filling Council Vacancies", which provided: "If a vacancy occurs on the city council, a majority of city council members serving shall appoint a successor who shall serve until a new elected city council member takes office. A city council member shall be elected (for the unexpired term, if any) at the next general election in the City held not sooner than 180 days after the occurrence of the vacancy." Despite this provision from the 1974 charter, at the December 4, 2010 charter convention, a representative from the city's law department indicated that language in MCL 117.3(a) of the Home Rule City Act requiring that the mayor and council members be elected would preclude temporary appointment to fill a vacancy. However, the charter has long provided a scheme for temporary succession in the event of a mayoral vacancy. Further, the Michigan Compiled Laws Annotated notes, "[t]he provision that each city charter shall provide for the election of a mayor was not intended to restrict the election of the mayor to a popular election and authorized the election of the mayor by the commission of a city which had adopted a commission form of government", citing *Kopcznski v Shriver (1917) 194 Mich 553, 161 NW 238.*\*\*"-City Council Rationale, Letter, dated December 13, 2010.

**ANALYSIS:**

**DISPOSITION/COMMISSION ACTION:**

**NOTES:**