

Introduction

Home rule villages may amend their charters in accordance with procedures found in MCL 78.11-78.20 of the Home Rule Village Act (Act 278 of 1909). The amendment process may be used to change details in the charter. It is not permissible to change the form of government by charter amendment (e.g. providing for a city-manager system in place of a mayor-council form). Examples of changes that can be made by amendment are changes to increase or decrease the number of councilmembers, changing the position of clerk or treasurer from an elected to an appointed one, setting the purchasing dollar amount limit that can be spent before the municipality is required to establish a bid process, and establishing pension plans.

Proposal

Charter amendments may be proposed in one of two ways, either by resolution of 2/3 of the legislative body (MCL 78.17) or by initiatory petition (MCL 78.17). A petition shall be signed by not less than 20% of the number of electors voting for president at the last preceding election, shall be verified by oath of the petitioner, and shall be filed with the village clerk.

Publication

The proposed amendment must be published in one or more newspapers published in the village, if one is published therein, and if not, then in a newspaper published in the same or an adjoining county and circulating in the village, at least once, not less than 2 weeks and not more than 4 weeks preceding the election, together with a notice of the election (MCL 78.11).

Submission to the Governor

All proposed charter amendments must be submitted to the Governor for approval. The amendment is approved by the Governor if it is found to be legally unobjectionable.

Election Procedure

(a) *Election Date.* The amendment shall be submitted to the electors at the next general or special election. (MCL 78.17).

b) *Election Notice.* Notice of the proposition to be voted shall be included in the election notice, by adding a caption or brief description of the proposal along with the location where an elector can obtain the full text (MCL 168.653a). The publication of the election notice must be at least 7 days before election day, while the publication of the notice of last day of registration must be at least 7 days before the last day for receiving registrations. In addition, the Home Rule Village Act requires that the notice of election be posted in at least 10 public places within the village not less than 2 weeks prior to such election (MCL 78.11) (See Appendix B for suggested election notice form).

(c) *Form of Ballot.* The form in which a proposed village charter amendment shall be submitted on the ballot shall be determined by the language in the petition. If the petition does not include ballot language, then the form shall be determined by resolution of the legislative body.

Filing

If the amendment is approved by the electors, two printed copies must be filed within 30 days after the election with the Secretary of State and two copies with the county clerk, together with a statement of the vote for and against, duly certified by the village clerk. Upon such filing, the amendment becomes law (MCL 78.20).

APPENDIX A

CHECK LIST

PROCEDURE FOR CHARTER AMENDMENT

PROPOSED BY INITIATORY PETITION

MCL
Reference

- MCL 78.17 1. An initiatory petition is filed with the village clerk. It shall be signed by at least 20% of the number of electors voting for president at the last preceding election. The petition shall be verified by the oath of the petitioner, filed with the village clerk.
- MCL 78.18 2. Village clerk sends copy of the proposed amendment to the Governor for approval.
- MCL 168.498 3. Village clerk publishes notices of last day for registration (at least 7 days before the last day for receiving registrations). The notice shall include a caption or brief description of the ballot proposal, along with the location where the full text can be obtained.
- MCL 78.11 4. Village clerk publishes the proposed amendment in one or more newspapers at least once, not less than 2 weeks and not more than 4 weeks preceding the election, together with a notice of said election, and the date of the election.
- MCL 168.653a 5. Village clerk publishes the election notice (at least 7 days before the election). The notice shall include a caption or brief description of the proposal along with the location where the full text can be obtained. The clerk also posts the notice of election in 10 public places in the village.
- MCL78.17 6. Election day (the next regular or special election following adoption of the Resolution).
- MCL 78.20 7. Village clerk will file 2 copies of the approved amendment with the Secretary of State and 2 copies with the county clerk (within 30 days after election day).

APPENDIX B

SUGGESTED FORM FOR ELECTION NOTICE

ELECTION NOTICE

To the qualified electors of the village _____,

Notice is hereby given that a _____ election

(indicate whether regular, special, or primary)

will be held in _____, on _____ (date),

from 7 a.m. to 8 p.m. for the purpose of voting on the following proposals:

(list all proposals to be submitted to voters)

Proposal No. 1

[Insert the form of the proposal as it will appear on ballot.]

List of polling place locations _____

(clerk)