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**TO:** Detroit City Council

**FROM:** David Whitaker, Director  
Legislative Policy Division 

**DATE:** November 18, 2019

**RE:** **Process to Place Millage Initiative on Wayne County Ballot for Charles H. Wright Museum of African American History and the Detroit Historical Society**

The Legislative Policy Division (LPD) is providing this report in response to Council Member Scott Benson's request for information regarding "the process to place a question on the March or August 2020 ballot requesting a millage to support the Charles H. Wright Museum of African American History and the Detroit Historical Society".

Similar to City Council's process for placing a question on the ballot under the Detroit City Charter, Article 3, *Elections*, Section 3-105, which provides in pertinent part:

The City Council may submit, by resolution adopted not less than seventy (70) days before any election or special election, any proposal to the voters of the City.

The County of Wayne's Charter, Section 3.115 *Powers and Duties*, provides in pertinent part:

(13) Submit ballot questions including advisory questions and amendments to this Charter for approval by the registered voters. Any proposal for a tax increase must be approved by a 2/3 vote of Commissioners serving to be placed on the ballot and approved by a vote of more than 60% of the qualified electors of Wayne County voting thereon in order to be adopted.

As provided, Wayne County Commissioners by a 2/3 vote, may place a proposal for a tax millage increase on the ballot for voter approval. The qualified electors of Wayne County may

adopt the proposed millage increase with an affirmative vote of 60% of the electorate. Although the County Commissioners have the authority to place the proposal on the ballot for the voters, the form of the proposal is directed by state law. MCL 168.646a provides:

(2) If a ballot question of a political subdivision of this state including, but not limited to, a county, city, village, township, school district, special use district, or other district is to be voted on at a regular election date or special election, the ballot wording of the ballot question shall be certified to the proper local or county clerk not later than 4 p.m. on the twelfth Tuesday before the election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 82 days before the election. Petitions to place a county or local ballot question on the ballot at the election shall be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk. (Emphasis added.)

(3) The provisions of this section apply to and control the filing deadlines for candidates for local office to be elected at the general November election and for all ballot questions of a political subdivision of this state at any regular election, primary election, or special election notwithstanding any provisions of law or charter to the contrary.

State law also dictates the form of proposals that is to be submitted to the voters under MCL 168.463a, which provides:

A question submitted to the electors of this state or the electors of a subdivision of this state shall, to the extent that it will not confuse the electorate, be worded so that a “yes” vote will be a vote in favor of the subject matter of the proposal or issue and a “no” vote will be a vote against the subject matter of the proposal or issue. The question shall be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise. The question shall be clearly written using words that have a common everyday meaning to the general public. The language used shall not create prejudice for or against the issue or proposal.

**Deadlines:**

According to the state law previously stated, in order for the proposal to be placed on the ballot for the March 10, 2020 election, the ballot proposal wording must be certified to the local clerk or county clerk no later than 4 p.m. on the twelfth Tuesday before the election or December 17, 2019. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the the ballot wording to the county clerk by December 19, 2019.

With regard to the August 4, 2020 election, in order for the proposal to be placed on the ballot for the March 10, 2020 election, the ballot proposal wording must be certified to the local clerk or county clerk no later than 4 p.m. on the twelfth Tuesday before the election or May 12, 2020. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the the ballot wording to the county clerk by May 14, 2020.