



# CRC MEMORANDUM



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## DETROIT BALLOT ISSUES PROPOSAL D: ELECTION OF DETROIT CITY COUNCIL MEMBERS

At the November 3, 2009 election, voters in the City of Detroit will be asked whether the method of selecting city council members should be changed from the current at-large system to a hybrid system in which

some members are elected from districts and others are elected at large. This question was placed on the ballot as a result of a citizens' initiated petition and will appear as Proposal D on the Detroit ballot.

### Charter Amendment

Shall the Detroit City Charter be amended to provide for a total of nine members of City Council with one (1) council member, with district residency, elected from each of seven (7) districts and two (2) members elected at large?

Yes —

No —

### A History of Charter Questions

The issue of electing city council members at-large or by districts has been a recurring question in Detroit. In 1918, Detroit abandoned selecting council members by district and adopted the arrangement still used to this date: nine council members, selected at large in nonpartisan elections. That change was driven by the municipal reform movement of the era that advanced at-large elections and relatively small numbers of council members.

Since that time, Detroit voters have been asked to consider a return to districts on several occasions. When Detroiters were asked the question of replacing the 1918 Charter with a new charter in 1972, separate questions appeared on the ballot asking the voters' preference on council elections. Voters indicated a preference for a 9-member city council elected at large over a 15-member mixed council (8 from districts, 7 at large), and favored nonpartisan city elections. The charter commission incorporated those preferences in a revised proposed charter that was approved in 1973.

The proposed charter submitted to the voters in 1996 was again undecided on the matter of council elections. Rather than offering a proposed charter that

might be decided on the single issue of council selection, the commission offered a separate question on council selection. Voters again indicated a preference for continuation of the current method of electing a 9-member council at large, this time over an 11-member body with the President and President Pro Tempore elected at-large and one council member elected from each of nine council districts. The city council would have been responsible for drawing districts that would have been required to be "compact, contiguous, and nearly equal in population as is practicable." Redistricting would have occurred following each Federal decennial census.

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## Charter Revision

At the same time Detroit voters will be deciding the method of selection for council members with Proposal D on the November 3 ballot, another part of the ballot will allow voters to select nine persons to serve as charter commissioners for purposes of drafting a new charter to present for voter approval at some time within the next two years. Detroit voters approved creation of a charter commission at the August 4, 2009 primary election. The charter commission will convene shortly after election results are certified and have up to two years to draft a new charter. Should the proposed charter be rejected, the commission would have another year to revise the proposed char-

ter and again submit it for voter approval.

City charter revision tends to be incremental, building off of and making small changes to current city charters, but the incoming Detroit charter commission is not obliged to use the current charter as a template or to preclude any changes. The commission is not restricted to any particular articles of the current charter or subjects. With or without adoption of Proposal D on November 3, the charter commission may choose to alter the method of selection of city council members. The number of members on the council could be contracted or expanded. Selection could come at-large, by district, or some combina-

tion of those methods. The commission could propose partisan elections, a new method for selecting the council president and president pro tempore, and a method of drawing districts different than that suggested in Proposal D.

If Proposal D is adopted at by the voters at the November 3 election, it would amend the City Charter as it applies to the next regular general city election, scheduled to occur in 2013. In the interim, a Federal decennial census will occur in 2010, bringing new data on where the people of Detroit reside, and the charter commission will present to Detroit voters the question of adopting a proposed charter.

## Proposal D

Proposal D would amend three sections of the 1996 Detroit City Charter. Section 3-106 would be amended to provide for a 9-member body with two members elected at large and one council member elected from each of seven council districts. Responsibility for establishing the district boundaries and revising them after each Federal decennial census would rest with the Election Commission.\* Districts are to be, to the greatest extent possible, "compact, contiguous and of equal population."

Proposal D also would amend Section 3-107 of the Detroit City Charter to address the number of signatures needed on nominating petitions to run for city council. The current provision for nominating petitions for city council at-large membership would be extended to the two at-large seats that would continue in the proposed mixed system. Nominating petitions would be required to contain signatures by a number of voters of the city equal to not more than one percent nor less than one-quarter percent of the number resulting

when the total number of votes cast at the preceding regular city general election for all offices of the city council members is divided by nine. Also, language would be added to this section to require city council district candidates to collect from voters of the district a number of signatures equal to that required of at-large candidates (equal to not more than one percent nor less than one-quarter percent of the number resulting when the total number of votes cast at the preceding regular city general election for all offices of the city council members is di-

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Section 3-102 provides that the Election Commission shall head the City's Department of Elections. The Commission is comprised of an independently elected official – the city clerk, who is chairperson; a representative of the legislative branch – the president of the city council; and a representative of the executive branch – the corporation counsel. The president of city council is the member receiving the most votes at the general election in which council members are elected. Corporation counsel is appointed by the mayor, with approval of the city council, and serves as head of the City's law department.

vided by nine).

Finally, Proposal D would amend Section 4-103 of the Detroit City Charter to clarify succession to the position of council president in the event of vacancies both in the office of president and president pro tempore. As is currently the practice, the council member

receiving the highest number of at-large votes at the city general election would serve as council president. The council member with the next highest number of at-large votes would serve as president pro tempore. This means that under Proposal D, the candidates for the two at-large seats are running for the president

and president pro tempore positions. Under the proposed language, the council member representing a district with the highest number of district votes at the general city election would become president should the two at-large council members not be able to serve in that role.

## Issues to Consider

City council elections are at the core of any democratic system of local government. In concept, elections provide a communications process enabling the voters to transmit their values, attitudes and beliefs about how government should be managed and who should manage it. How council members are elected reflects the way voters prefer to be represented in the legislative body of

the city.

There are three systems of electing council members: at-large; district; and mixed, a combination of at-large and district.

**Election At-Large.** The at-large system is designed to elect council members who will represent the interests of the city as a whole. In the case of Detroit, each resi-

dent is a constituent of 9 council members, and can approach any or all of them with his/her concerns. The at-large system of electing council remains the preferred system of the National Civic League, a national association that maintains a model city charter. In large cities, however, residents may feel disconnected from city government without some geographic basis of representation on city

**Table 1**  
**Method of Selection in 20 Largest U.S. Cities**

New York	51 districts	Detroit	9 at large seats
Los Angeles	15 districts	San Francisco	11 districts
Chicago	50 wards	Jacksonville#	mixed (14 /5)
Houston	mixed (9 /5)	Indianapolis#	mixed (25 /4)
Phoenix	8 districts	Austin	6 at large seats
Philadelphia	mixed (10 /7)	Columbus	7 at large seats
San Antonio	10 districts	Fort Worth	9 districts
Dallas	14 districts	Charlotte	mixed (7 /4)
San Diego	8 districts	Memphis	13 districts*
San Jose	10 districts	Baltimore	mixed (14 /1)

Mixed refers to those city councils of both members elected from single-member districts and at large, the number of members elected are shown in parenthesis (district/at large).

# Jacksonville and Indianapolis each have had city council consolidations so the council serves both as city council and county commission.

\* The Memphis City Council has 13 members, 7 from single-member districts and 6 from 2 "super districts" (2 districts with 3 members each).

council. A council member elected at-large may have less knowledge of local community problems and be less responsive to the constituent. Cities with significant differences in, or conflict among, ethnic, racial or economic groups may find that one of the alternative systems could achieve more equitable representation of the city's residents.

A variation of the at-large system is nomination and election at-large with district residence requirements. A complaint frequently lodged against the at-large system is that a majority of the council may live in the same area of the city. This situation can give rise to questions concerning the equitable distribution of services with allegations that particular sections receive preferential treatment. This objection can be met while still maintaining a council elected at-large by creating districts of equal population with the voters of the city at-large nominating two candidates and electing one from each district.

**District Systems.** An alternative to the at-large system is the district system, with selection of council members either from

single-member districts or from multiple-member districts. The growing recognition that membership on councils should represent all racial and ethnic groups more adequately has spurred increased use of the single-member district system. It is easier to elect minority council members from districts than it is in at-large elections. In addition, district elections can open the way for more diversity among candidates because the costs of running a district campaign are less than those of running citywide. Finally, citizens feel closer to district elected council members, whom they can hold responsible for addressing their community concerns.

The district system does have its drawbacks. An inherent problem is that the pursuit of parochial concerns by district-elected members may result in inadequate attention to city-wide concerns. The potential for "logrolling" or vote swapping is ever-present. Some district council members will be more effective than others in "working the system" with the result that disproportionate benefits may be received by their districts. Conformity with the federal Voting Rights Act becomes an is-

sue in adjusting election district boundaries following each census.

**Mixed At-Large and District System.** The mixed system for a council with some members elected at-large and some elected by and from districts has become increasingly popular in recent years. One reason for this is the approval it has received from the U.S. Department of Justice as a method of electing a city council that complies with the requirements of the Voting Rights Act in cities where the at-large system has been challenged and where there is opposition to a pure single-member district system. The mixed system combines the citywide perspective of the at-large council members with the local concerns and accountability of district council members. It can allow minority groups (ethnic, racial and economic), who live in concentrated areas greater influence in determining the outcome of elections in their districts. Problems can arise in this system when at-large council members consider their positions to be superior in importance to district members and are perceived as rivals to the mayor.