



# CRC NOTES



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## DETROIT CITY CHARTER PROVISIONS FOR FILLING VACANCIES

**The Mayor** Section 5-109 (Succession to Office) of the Detroit City Charter provides that a vacancy in the office of mayor is to be filled by the city council president, until a new mayor is elected.

Section 3-101 (City elections) of the Charter states: "If a vacancy occurs in the office of mayor or city council 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 the nomination of candidates and a special election to fill the vacancy for the remainder of the unexpired term. The resolution ordering the special election shall be adopted at least eighty (80) days before the special primary election and at least one-hundred and twenty (120) days before the special general election. Nominat-

ing petitions shall be filed not later than the fourth (4<sup>th</sup>) Tuesday after adoption of the resolution ordering the special elections. Vacancies occurring on or after March 1 of the year in which city elections are held shall not be filled by a special election."

The next general election (a presidential election) is scheduled for November 4, 2008. The next regular general election to fill city elective offices is scheduled for November 3, 2009, with a primary on August 4, 2009.

Had the vacancy in the office of mayor occurred after March 1, 2009, no special election would be held. However, the charter requires the scheduling of a primary and special election to fill the unexpired term if the vacancy occurs prior to March 1 of the year in which a regular election is scheduled. Because state law restricts the timing of elections to specific days in 2009 – February 24, May 5, August 4, and November 3 – the earliest a primary could be scheduled is February 24, 2009, with the general election scheduled for May 5.

### Vacancy in Office of Mayor occurs September 19, 2008



City Council required to pass a resolution ordering primary and general elections



#### The question of timing:

<u>Primary/General Election Date</u>	<u>Resolution Required by</u>	<u>Additional Cost</u>
February 24 / May 5, 2009	December 5, 2008	\$2.9 million
May 5 / August 4, 2009	February 13, 2009	\$1.4 million
August 4 / November 3, 2009	May 15, 2009	\$0.



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If Detroit conducts an unscheduled primary and special election, the city would incur an unbudgeted cost of \$2.9 million (based on the Fiscal Year 2008-09 budget for the city's Department of Elections), and the term of the person elected would end on December 31, 2009.

Because the charter language requires that council pass the resolution setting the date of the election at least 80 days before the primary and at least 120 days before the general election, but does not restrict the adoption of the resolution to a maximum period of time prior to the elec-

tions, it is possible that the council could choose to set the date of the primary election for August 4, 2009, and for the general election for November 3, 2009, the same dates as the regularly scheduled primary and general elections.

### **Selection of Council President**

Section 4-103 (Selection of council president) of the Detroit City Charter provides that the member of the Detroit City Council receiving the highest number of votes shall be Council president and the member receiving the next highest number of votes shall be president pro

tempore. At the present time, Kenneth Cockrel, Jr. is president and Monica Conyers is president pro tempore. In the event either position becomes vacant, the person receiving the next higher number of votes shall be elevated. Thus, if Mr. Cockrell becomes mayor, Monica Conyers will become the council president, and JoAnn Watson will become president pro tempore.

Section 4-107 (Quorum) provides that a majority of council members serving constitutes a quorum. Whether the council is composed of eight or nine members, a quorum will be five.