

Oral Argument Case Summary

July 7, 2021

163084-5, *Sheffield v Detroit City Clerk*

The Detroit Charter Revision Commission (DCRC) drafted a revised Charter for the City of Detroit and submitted proposed Charter revisions to Governor Whitmer, but the Governor did not approve the submission. The DCRC adopted a resolution to submit to the Detroit City Clerk Proposal P, which reads, “Shall the City of Detroit Home Rule Charter proposed by the Charter Revision Commission be adopted.” The Detroit Election Commission voted to place Proposal P on the August 3, 2021 ballot. Two sets of plaintiffs filed suit seeking a writ of mandamus to prevent Proposal P from being placed on the ballot. The cases were consolidated, and on May 26, 2021, Wayne Circuit Court Judge Timothy Kenny granted mandamus and ordered the Detroit City Clerk and the Detroit Election Commission to remove Proposal P from the August 3, 2021 ballot. The DCRC filed a claim of appeal in the Court of Appeals, as well as a bypass application in the Supreme Court. The Supreme Court denied the bypass application, but directed the Court of Appeals to expedite its consideration of the claim of appeal. On June 3, 2021, the Court of Appeals, in a 2-1 published opinion, affirmed the circuit court, holding that MCL 117.22 requires the Governor’s approval before a revised charter can be placed on the ballot. The DCRC filed an application for leave to appeal in the Supreme Court, which entered an order on June 4, 2021, staying the order of the circuit court granting mandamus pending completion of the appeal. The plaintiffs filed a motion for reconsideration of the order granting the stay, but the Supreme Court denied the motion on June 16, 2021. The Supreme Court has ordered oral argument on the application, directing the parties to address: (1) whether a proposed revision of a city charter can be submitted to the voters without the Governor’s approval of the revision, see MCL 117.22; and (2) the relevance, if any, of the amendment history of MCL 117.22, see, in particular, 1909 PA 279 and 1913 PA 5.