

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

STATE BOUNDARY COMMISSION

GENERAL RULES

(By authority conferred on the state members of the state boundary commission by section 4 of Act No. 191 of the Public Acts of 1968, as amended, being S123.1004 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 123.1 Definitions; A to I.

Rule 1. (1) The terms defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 191 of the Public Acts of 1968, as amended, being SS123.1001 to 123.1020 of the Michigan Compiled Laws.

(3) "Active petition" means an annexation petition or resolution, or incorporation or consolidation petition that is first in line at the time of its filing, or becomes first in line by the removal of a prior blocking petition or court action.

(4) "City incorporation" means the formation of a new city from unincorporated territory; 1 or more villages and contiguous unincorporated territory or an incorporated village without change of boundaries.

(5) "Consolidation" means the formation of a new city from 1 city, 1 village and unincorporated territory; or 1 city and 1 village; or 2 or more cities; or 2 or more cities and unincorporated territory; or 2 or more cities and 1 village; or 2 or more cities and 1 village and unincorporated territory; or 2 or more cities and 2 or more villages; or 2 or more cities, 2 or more villages and unincorporated territory; or 1 city and unincorporated territory.

(6) "Home rule city act" means Act No. 279 of the Public Acts of 1909, as amended, being SS117.1 to 117.38 of the Michigan Compiled Laws.

(7) "Home rule village act" means Act No. 278 of the Public Acts of 1909, as amended, being SS78.1 to 78.28 of the Michigan Compiled Laws.

(8) "Inactive petition" means an annexation petition or resolution or incorporation or consolidation petition that must wait in line because of an earlier filed petition describing the same area in part or whole or a petition blocked by legal action.

History: 1979 AC.

R 123.3 Definitions; P.

Rule 3. (1) "Person" means an individual, partnership, corporation, association, municipality, or the state.

(2) "Petitioner" means a person who has signed, or circulated and verified, a petition for annexation, incorporation or consolidation or who has voted on and passed an annexation resolution as described in sections 7 and 12 of the act and subsections (2) and (7) of section 9 of the home rule city act and who has filed such petition or resolution with the commission.

History: 1979 AC.

R 123.4 Definitions; V.

Rule 4. "Village incorporation" means the formation of a new village from unincorporated territory.

History: 1979 AC.

R 123.5 Scope and construction of rules.

Rule 5. These rules govern practice and procedure in all matters before the commission and shall be liberally construed to assure a just, economical and expeditious determination of the issues presented in accordance with the purposes of the act.

History: 1979 AC.

R 123.6 Determining if population is over 100.

Rule 6. (1) Where an annexation petition or resolution is first in line upon its filing and can be acted upon, then the filing date population of 100 or less, or over 100 in the area to be annexed shall be determined as soon as practicable after the filing by 1 of the following methods:

(a) By joint agreement of the involved township board and city council and their certification to the commission of the count.

(b) By submission of either the township board or the city council, or both, of a certified list of the names and addresses of all residents in the area proposed to be annexed on the date of the petition was filed. If both legislative bodies file lists, the commission shall examine the list and using the guidance of applicable statutes, attorney general opinions or court decisions make a final population determination. If only 1 legislative body files a resident list, the commission shall supply a copy of the filed list to the nonfiling board and grant 30 days for that board to file written challenges to any names contained in the filed list. Upon the filing of a written challenge the commission shall examine the challenge and using the guidance of applicable statutes, attorney general opinions or court decisions the commission shall make a final population determination. If the commission receives only 1 filed certified resident list and that list receives no challenge, it shall stand as the determined population and the commission shall so certify.

(c) By a door-to-door canvas and interviews with the people within the area proposed to be annexed.

(d) By the method described in subrule (2).

(2) Where an annexation petition or resolution has waited in line, the filing date population of 100 or less, or over 100 in the area to be annexed shall be determined as follows:

(a) Residential structures within the area to be annexed shall be counted and classified as single-family homes, mobile homes and multiple dwellings including duplex, triplex, apartments and condominiums. The total number of dwelling units shall be determined according to this classification and where necessary records are available, adjusting the count for addition or subtraction of dwelling units since the filing date.

(b) The average number of residents per dwelling unit factor by type of structure where available, or the average number of residents per dwelling unit for the municipality in which the area to be annexed is located or the county in which it is situated, derived in each instance from the last federal decennial or special census, shall be obtained. The commission shall use the factor that can be derived from the smallest political subdivision in which the area to be annexed is located to determine the population as of the date of filing.

(c) The number and type of dwelling units shall be multiplied by the average number of residents factor for that type of dwelling unit and the resultant populations for type of dwelling unit shall be added together to obtain total population.

History: 1979 AC.

## PART 2. PREPARATION, FILING, AND PROCESSING PETITIONS

R 123.21 Filings.

Rule 21. (1) An incorporation or consolidation petition or annexation petition or resolution shall be filed with the secretary at his office in Lansing. A statement signed by at least 1 signer of the petition or resolution designating the name and address of a natural person to receive notices on behalf of all signers shall accompany the filing or shall be filed separately within 10 business days from the filing. Notice served by the commission or any other person on the designated natural person shall be

deemed notice to all signers of the petition or voters on the resolution. Notice to an affected city, village, township or county shall be through its clerk. Upon the filing of a petition or resolution, the secretary shall make a notation as to the date and time of filing. Receipt of a petition is not an acknowledgement that the petition is proper or sufficient.

(2) Other items permitted or required to be filed with the commission shall be tendered in a legible reproducible form and deposited with or mailed to the secretary at his office in Lansing. He shall receive them only during business hours.

(3) A person may request, in writing, that the secretary notify him in writing when a document has been filed in a specific pending matter and the secretary shall send the notice at the earliest practicable time after the filing of the item.

(4) A person may inspect the commission's file regarding a specific pending matter at the secretary's office in Lansing during regular business hours and at his own expense may cause the contents of the file to be duplicated. A person other than the commissioners or staff may not remove an original or sole copy of any item from the file. A duplicate copy may be removed under such conditions as the secretary imposes for not to exceed 24 hours for the purposes of duplication.

History: 1979 AC.

#### R 123.22 Pleadings.

Rule 22. In addition to petitions required by sections 7 and 12 of the act, and petitions and resolutions required by subsections (2) and (7) of section 9 of the home rule city act, objections to the form or substance of a petition or resolution, answers to such objections, a memorandum brief on issues of fact or law and such other pleadings as the commission by its order shall allow may be filed.

History: 1979 AC.

#### R 123.23 Determination of days to public hearing.

Rule 23. (1) For purposes of determining the minimum 60 days and maximum 220 days from filing of an active petition or resolution to the holding of the public hearing, the filing day shall not be counted.

(2) The 60- and 220-day public hearing requirement shall not apply to inactive petitions until such time that they may become active petitions.

History: 1979 AC.

#### R 123.24 Rejected petitions or resolutions.

Rule 24. (1) The commission shall reject an annexation petition or resolution for territory which includes all or any part of the territory which was described in any annexation petition or resolution filed within the preceding 2 years and which was denied by the commission or was defeated in an election.

(2) The commission shall reject a consolidation petition if a proposition to consolidate the identical municipalities has been voted on within the 2 years immediately preceding the filing of the later petition.

(3) Upon such determination, the secretary shall return the petition or resolution to the petitioner and certify the reasons for its rejection.

(4) The 2-year period shall start on the day the prior annexation petition or resolution was filed.

(5) The 2-year period shall not apply to annexation petitions or resolutions that are rejected by the commission for not being legally sufficient.

History: 1979 AC.

#### R 123.25 Petitions, general.

Rule 25. (1) Part I of incorporation or consolidation petitions or annexation petitions or resolutions shall consist of a map or drawing clearly showing the territory proposed to be incorporated, consolidated or annexed and be constructed by the petitioner in such a way that its minimum size is 8 1/2" x 13" with a maximum size of 14" x 18". Parts II through VI shall be prepared on forms furnished by the commission. Part VII shall contain a map showing the relationship of the area proposed for incorporation, consolidation or annexation to the balance of the involved and adjacent units of government which may be of a size that the petitioner chooses and which shall not be considered by the commission in its determination of legal sufficiency. For the purpose of determining legal sufficiency, a perimeter map or drawing and legal description shall be part of the petition and shall be substantially accurate and consistent with each other.

(2) In a petition submitted to the public for signature, the map or drawing accompanying the signature sheets shall be of sufficient scale and clarity as to be unambiguous to a layman with respect to the inclusion or exclusion of his own property and the relationship of the petitioned area to identifiable roads, section lines, existing local government boundaries and major geographic features. Upon discovery of a disparity between various public or private records as to land ownership or the location of local government boundaries, the disparity shall be brought to the attention of the commission, the petitioners and the affected units of government prior to the commission's meeting on the legal sufficiency of the petition.

(3) Where maps, drawings, plats, deeds, surveys, legal descriptions, or other documents that are part of the petition or resolution contain reference to additional recorded data or documents that are found to be necessary to determine the accuracy of the petition, map, drawing, or legal description, and copies of these recorded documents are not a part of the petition, the secretary may request the petitioner to supply copies of these documents to the commission by a date specified by the secretary, which date shall be prior to the commission's meeting on the legal sufficiency of the petition.

(4) An annexation petition by a firm, corporation, or other formal organization and an annexation resolution shall contain copies of resolutions, meetings minutes, correspondence, transmittal letters, or other documents that are necessary to show that the petitioner was authorized to file. Where a city planning commission or a board of commission other than the city council initiates annexations, the petition shall contain copies of all documents necessary to show that the city council was fully informed before approving the annexation resolution. Similarly, for other organizations for which an officer or other authorized agent initiates a petition, it shall be documented that the proper governing body of that organization was fully informed before approving the annexation petition.

(5) Upon filing, each petition shall stand or fall on its own content. Modifications, corrections, deletions or additions to a petition shall not be made except those authorized in subrule (3) and R 123.27.

History: 1979 AC.

#### R 123.26 Forms.

Rule 26. A petition, and survey certification which may be required by commission order pursuant to R 123.27, shall be prepared on a size paper and in accordance with forms furnished by the commission. A petition and certificate shall contain only the matters prescribed by the forms and such additional information as the commission deems necessary. A petition shall not be considered unless it is prepared on the proper commission form. Blank petition forms shall be furnished by the commission.

History: 1979 AC.

#### R 123.27 Boundary identification.

Rule 27. (1) A petition for incorporation, consolidation, or annexation or an annexation resolution shall identify graphically and by an accurate written description the boundaries of the land that are proposed to be incorporated, consolidated, or annexed.

(2) The commission may order that all or part of the boundaries of the area be certified by a registered land surveyor.

History: 1979 AC.

## PART 4. PREHEARING PROCEDURES

### R 123.41 Forms.

Rule 41. The documents required by R 123.42 and R 123.46 to R 123.49 shall be completed only on forms prescribed and furnished by the commission. In addition to the contents of the documents prescribed by those rules, the documents shall contain such additional information as the commission deems necessary and reasonable.

History: 1979 AC.

### R 123.42 Annexation, consolidation, and incorporation; criteria information.

Rule 42. Upon the declaration of legal sufficiency of an annexation petition or resolution or a consolidation or incorporation petition, the petitioner and the involved units of government shall be instructed to complete and return within 30 days of mailing a criteria information evaluation questionnaire which shall be provided by the commission.

History: 1979 AC.

### R 123.43 Prehearing conference.

Rule 43. (1) Upon filing the form required by R 123.42, the commission may hold a prehearing conference to which the petitioners, representatives from involved units of government, affected or interested state and federal agencies, affected planning commissions, other interested organizations and persons may attend and which may include, among other topics:

(a) Examination and discussion of the information shown to be available on the criteria information evaluation questionnaire.

(b) Determination if any additional information not listed on the questionnaire is available.

(c) Determination of what criteria information needs to be developed.

(d) Adoption of a resolution which shall:

(i) Specify additional information that is required to be developed.

(ii) Specify dates the information shall be available.

(iii) Specify who shall provide the information.

(iv) Specify who shall pay the cost of providing the information.

(2) Within 10 days after adoption of the resolution provided for in subrule (1), the commission shall notify by mail the persons originally notified of the prehearing conference or attending the prehearing conference and include a copy of the resolution and the completed and filed criteria information evaluation questionnaire.

History: 1979 AC.

### R 123.44 Criteria information; methods of gathering.

Rule 44. After declaring the sufficiency of a petition or resolution, the commission may obtain the criteria data or information prescribed in section 9 of the act in the following manner:

(a) By directing the secretary to send written questions or requests for specific information to the petitioner, involved units of government, affected or interested state and federal agencies, affected planning commissions or other interested persons or governmental units to file in writing with the commission by a specified date prior to the public hearing date.

(b) By directing its staff, departmental employees or other personnel to gather the data or information it deems necessary which shall be available to the commission at a specified date prior to the public hearing date. In addition, the commission may direct that the raw data or information be analyzed,

organized, condensed, summarized and presented to the commission in a compacted form. All raw data shall be maintained as part of the commission's file.

(c) By contracting with outside consultants to perform the functions of subdivision (b).

(d) By using the method described in R 123.43.

(e) By using all or any combination of these methods.

History: 1979 AC.

R 123.45 Petitions filed with county clerk or secretary of state; notice to commission.

Rule 45. (1) Within 10 days after the filing of an annexation petition or resolution a county clerk or the secretary of state shall complete and transmit to the commission and involved units of government a notice of filing of request for local government boundary change.

(2) Within 30 days after reviewing the notice required by subrule (1), the commission shall complete and transmit to the county clerk or secretary of state a commission reply to the notice.

History: 1979 AC.

R 123.46 Petitions and resolutions filed with commission; notice.

Rule 46. (1) Within 10 days after the filing of an incorporation or consolidation petition or annexation petition or resolution, the commission shall complete and transmit to the involved local governmental clerk, the affected county clerk or the secretary of state a notice of petition filing with the commission.

(2) Within 30 days after receiving the notice required by subrule (1), a clerk or secretary of state shall complete and transmit to the commission a response.

History: 1979 AC.

R 123.47 Notice of final action.

Rule 47. (1) Upon the completion of all its actions on an active city or village annexation petition or resolution, a city or village council or township board shall notify the commission by mail.

(2) Upon the completion of all action on an active incorporation or consolidation petition or a home rule city annexation petition or resolution under the jurisdiction of the commission, the commission shall notify the clerks of the involved local governments, the county clerk and secretary of state by mail that action on the petition is closed.

History: 1979 AC.

## PART 5. COMMISSION SESSIONS

R 123.51 Adjudicative sessions; call; attendance; presiding officer.

Rule 51. (1) When necessary the chairman shall call an adjudicative session, which may be an executive session, in Lansing or such other place as he designates, for the purpose of transacting any business described in R 123.52 under the conditions prescribed in R 123.53 and R 123.54. Where possible, the sessions shall be attended by all state members serving and by the county members appointed to sit on the commission.

(2) A quorum consists of at least 3 members, at least 2 of whom are state members. Regardless of the number of commissioners present, at least 3 concurring votes are required to take any final adjudicative action.

History: 1979 AC.

R 123.52 Business.

Rule 52. At an adjudicative session, the commission shall take 1 or more of the following actions:

(a) Pass on the propriety, sufficiency, and legality of a petition or resolution before its call for a public hearing.

(b) Order the date, place, and time for a public hearing.

(c) After the public hearing, and a supplemental hearing, if any, basing its decision on the evidence received at the hearings, take any appropriate action authorized by the act.

History: 1979 AC.

R 123.53 Votes.

Rule 53. At an adjudicative session a concurring vote of at least 3 commissioners is required to take final action. The votes of each commissioner shall be noted in the commission's record. The chairman is a voting member of the commission on all matters. A member may abstain from voting on any matter.

History: 1979 AC.

R 123.54 Record and finality of action.

Rule 54. A record shall be made of all proceedings at an adjudicative session. Commission action shall be regarded as final for all purposes other than judicial review when a vote has been recorded to reject, deny, approve, or approve with adjusted boundaries, although the commission's findings of fact and order may not have been reduced to written form and approved. Effective dates of the preceding action may be determined at the adoption of the written findings of fact and order. For purposes of judicial review, commission action is final when the written findings of fact and order are signed by the chairman.

History: 1979 AC.

R 123.55 Administrative sessions.

Rule 55. (1) When necessary the chairman shall call the other state members into an administrative session, which may be an executive session, in Lansing or such other place as he designates.

(2) At an administrative session the state members may take any action, other than action required to be taken at an adjudicative session, necessary or desirable to administer the act and to effectuate its purposes and which has been included in the chairman's call and such other business as not less than a majority of the state commissioners present and voting desire to take up.

(3) At an administrative session the vote of 2 state members is required to take a final action, except that if the commission has under consideration the hiring of staff personnel or retaining outside consultants, the unanimous vote of all state members is required.

(4) At the direction of the chairman, 1 or more state members may meet in a special session for the purposes of conducting administrative business of the commission not requiring a vote.

History: 1979 AC.

## PART 6. COMMISSION HEARINGS

R 123.61 Place; notices; adjournment.

Rule 61. (1) A public hearing shall be held in a public place located in the territory to be included within a proposed municipal boundary adjustment. Notice shall be given as prescribed in section 8 of the act.

(2) If the municipal boundary adjustment is an annexation matter, the public hearing may be held in or reasonably near the area proposed to be annexed.

(3) At the same time as the clerks of the involved units of government are notified of a public hearing, the commission shall notify the petitioners and the county clerks of the involved counties by certified mail at least 30 days before the date of the hearing.

History: 1954 ACS 81, Eff. Oct. 22, 1974; 1979 AC.

R 123.62 Commissioners present; presiding officers; scope.

Rule 62. (1) A public hearing as required by section 8 of the act, whenever possible, shall be attended by all state members and the 2 county members. A member not in attendance at a public hearing shall review the public hearing record and so signify to the chairman to be eligible to vote at subsequent adjudicative sessions. The chairman or his designee shall preside.

(2) At a public hearing the commission shall receive testimony concerning the reasonableness of the proposed incorporation or consolidation petition or annexation petition or resolution based upon the criteria listed in section 9 of the act, and only the presentation of evidence in oral or exhibit form or comment on or analysis of evidence shall be germane and part of the record. A person may present evidence or make a statement about the effect of the proposed action upon his personal interest or preference.

History: 1979 AC.

R 123.63 Witnesses.

Rule 63. (1) An interested party may speak directly, may be represented by counsel and may present 1 or more spokesmen and supporting witnesses necessary to present relevant testimony if the presentation is limited to a reasonable time at the discretion of the chair.

(2) A person shall not present evidence or argument or otherwise attempt to address the commission unless he has been recognized by the chairman and sworn if giving testimony himself. Upon recognition, the chairman may state the amount of time allotted to the person recognized.

(3) A person may ask to be heard at a public hearing without having filed prior notice of appearance.

(4) The commission on its own motion or in response to the request of a participant, when it determines that waiver or modification of the literal terms of this rule is necessary for a just disposition of a pending matter or to avoid hardship, may make such waiver or modification of such terms as it deems necessary or appropriate to effectuate the purpose of the act.

History: 1979 AC.

R 123.64 Evidence; general provisions.

Rule 64. (1) The commission shall follow the rules of evidence applicable to civil proceedings so far as is practicable, but may admit and give value to other evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. The commission shall give effect to rules of privilege recognized by law and may exclude incompetent, immaterial and unduly repetitious evidence.

(2) Evidence, including records and documents in possession of the commission prior to the public hearing, shall be offered and made a part of the record in the proceedings. Except as otherwise provided by law and these rules, the commission shall consider no other factual information or evidence in the determination of the case. Documentary evidence may be received by the commission in the form of copies or excerpts or by incorporation by reference.

(3) At a public hearing a person may cross-examine witnesses and submit rebuttal evidence. Commission members may also question witnesses.

History: 1979 AC.



R 123.65 Evidence; form.

Rule 65. (1) The commission may receive evidence in oral or exhibit form.

(2) When it is deemed necessary or desirable the commission may direct that testimony to be given on direct examination shall be reduced to exhibit form and be offered by and served on all persons requesting the information and on the commission staff. The commission shall allow a reasonable time for preparation of the exhibit.

(3) Notwithstanding any provisions of this rule to the contrary, a person may have a witness on his behalf present his direct testimony orally before the commission. A witness or authorized officer of a firm whose testimony is submitted in exhibit form shall be made personally available by the party of record offering his testimony for cross-examination upon request by a party of record or the commission staff. If the witness is not so made available by the party of record offering his testimony, his testimony shall not be received in evidence.

(4) Testimony received in evidence in exhibit form shall be made a part of the record, copied into or fully described in the record. The commission shall accord the evidence the same weight and sufficiency as testimony received through oral examination. This rule does not prevent a witness' reading of prepared direct testimony.

History: 1979 AC.

R 123.66 Judicial notice.

Rule 66. The commission may take notice of judicially cognizable facts and of a general, technical or scientific nature within its specialized knowledge. The commission shall give notice either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed and shall afford any person the opportunity to contest the facts so noticed. The commission may use its experience, technical competence, and general and specialized knowledge in the evaluation of the evidence presented. This rule does not permit the commission to take notice of evidence contrary to any statute or other law.

History: 1979 AC.

R 123.67 Participation by commission staff.

Rule 67. The commission staff may appear in a public hearing and through its witnesses present testimony as to the results of its investigations, field studies, inspection and other technical investigations and studies. The commission staff may file briefs, make statements of positions or otherwise make recommendations on the record which it believes proper and lawful, based on the evidence presented. Commission staff presentations may include direct or documentary testimony by consultants employed by the commission or members of other governmental agencies either specific to the pending petition or providing relevant background information.

Presentations under this rule are subject to cross-examination.

History: 1979 AC.

R 123.68 Additional evidence.

Rule 68. (1) During the 30 days immediately following a public hearing the commission may receive additional or supplemental public hearing evidence including exhibits, written comments, statements, arguments, briefs, replies or any other evidence that properly could have been presented at the public hearing, including information derived from the specialized knowledge of the commission or its staff. Where practicable such information shall be in a format suitable for reproduction.

(2) A person wishing to be notified of the filing of additional evidence shall notify the commission in writing. The commission shall keep a list of the interested parties and notify each person on the list of all filings.

(3) The various interested parties shall make arrangements for the examination or review of any material so filed.

(4) If any material is filed on the twenty-sixth through thirtieth day after the public hearing, all parties shall have 7 days from the mailing of notice of the filing to answer it.

History: 1979 AC.

R 123.69 Supplemental hearings.

Rule 69. Subsequent to any public hearing required by law, the commission on its own motion may hold a supplemental hearing at its offices in Lansing or any other appropriate place for the taking of additional evidence or for the hearing of additional argument relative to the reasonableness of a pending consolidation or incorporation petition or annexation petition or resolution or for consideration of adjusting the boundaries from those contained in the petition. R 123.62 to R 123.68 apply to supplemental hearings.

History: 1979 AC.

## PART 7. POSTHEARING PROCEDURES

R 123.71 Disposition resolution.

Rule 71. (1) After a public hearing, the commission at an adjudicative session shall make findings of fact and conclusions after considering the criteria in section 9 of the act and by resolution shall dispose of the petition in 1 of the following ways:

- (a) Denial of the petition or resolution.
- (b) Approval of the petition or resolution as submitted.
- (c) Revision of the boundaries as set forth in the petition and approval of the petition or resolution with the revised boundaries.

(2) Where the commission is considering adjusting the boundaries either inward or outward from those proposed in the petition or resolution, the commission may hold a supplemental hearing as provided in R 123.69.

(3) Where the area approved for annexation contains a population of 100 or less, the resolution shall contain the effective date of the annexation.

(4) Where the area approved for annexation contains a population of more than 100, the resolution may contain a tentative date for the annexation to become effective. This date shall become the effective date if a valid election request petition is not filed.

(5) Where the area is approved for consolidation or incorporation, the resolution becomes effective 45 days after the date of the resolution unless within that 45 days a valid election request petition is filed.

History: 1979 AC.

R 123.72 Election petition; resolution.

Rule 72. (1) If within 30 days of the approval order for an annexation containing a population of more than 100 or within 45 days of the approval order for a consolidation or incorporation a valid petition is filed asking for an election on the proposed annexation, consolidation or incorporation, the commission shall dispose of the request by adopting a resolution stating their intent to place the question on the ballot at some future date, or setting the date of the special election.

(2) If an annexation election is held and each area voting on the question approves by a majority vote, the commission shall adopt a resolution setting the effective date of the annexation.

History: 1979 AC.

R 123.73 Registered electors; certification.

Rule 73. (1) Upon the filing of an annexation initiatory petition signed by 20% of the registered electors of the area proposed to be annexed, the township clerk shall certify to the commission the number of registered electors in the area proposed to be annexed on the date the initiatory petition was filed.

(2) Upon the filing of a petition asking for an election on annexation questions the city or township clerk, or both, whichever is appropriate, shall certify to the commission the number of registered voters in the area to be annexed, the remainder of the township and the annexing city whichever is appropriate on the filing date of the petition.

(3) Upon the filing of a petition asking for an election on a consolidation or incorporation question, the city, village, or township clerk, any or all whichever is appropriate, shall certify to the commission the number of registered voters in the area to be consolidated or incorporated on the filing date of the petition.

History: 1979 AC.

R 123.74 Lists of consolidation charter commission candidates.

Rule 74. Within 5 days after the deadline for filing nominating petitions for candidates for consolidation charter commissioners, the village, township, or city clerks shall transmit to the county clerk a certified list of charter commission candidates.

History: 1979 AC.

R 123.75 Notice to charter commissioners.

Rule 75. Immediately after being notified of the canvass of a vote for charter commissioners, the commission shall notify the elected charter commissioners by registered mail that they shall meet within 10 days and furnish a certificate to be completed and returned by the charter commission certifying that it has met within the required 10 days.

History: 1979 AC.