

Firm sways appeals court to add Warren mayoral term limit to Nov. 3 ballot

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City of Warren residents will have the opportunity to vote Nov. 3 on a city charter amendment that seeks to standardize the number of terms elected officials can serve in the city.

Representing the Warren City Council in mandamus litigation before the Michigan Court of Appeals, Robert G. Kamenec and Jeffrey M. Schroder successfully argued last week that the Warren City Clerk must place on the Nov. 3 ballot a proposal to reduce the Mayor's term limit from five to three, consistent with all other elected city officials.

The proposal had previously been passed by the city council 7-0, but the city clerk refused to certify the ballot language to the Macomb County clerk, claiming the governor's approval of the ballot proposal was first required because the proposal would amend the Warren City Charter. A judge of the Macomb County Court agreed, prompting emergency appellate litigation.

The Michigan Court of Appeals granted expedited review and, in a matter of first impression, reversed and ordered the city clerk to immediately certify the ballot language to the Macomb County clerk, as required by Michigan law. The Michigan Supreme Court denied emergency review, which then forced the city clerk to certify the ballot language on the evening of Sept. 3.

This opinion acts as binding precedent in Michigan establishing that, although the governor's approval of a city charter amendment is required before a ballot proposal containing such an amendment is presented to the electors, such approval is not a prerequisite to a local clerk's certification requirements of ballot language.

The members of Plunkett Cooney's Appellate Law and Governmental Law practice groups are some of the most accomplished within the state of Michigan. Plunkett Cooney is one of the few law firms in the Midwest with a team of appellate attorneys dedicated exclusively to this complex area of the law. The firm's municipal attorneys also routinely tackle difficult and nuanced issues ranging from municipal charter drafting and revisions to inter-governmental agreements to zoning, planning and land use.



FIRM SWAYS APPEALS COURT TO ADD WARREN MAYORAL TERM LIMIT TO NOV. 3 BALLOT Cont.

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For more information about Plunkett Cooney's successful argument in the city of Warren ballot issue case, contact the firm's Director of Marketing and Business Development, John Cornwell, at (248) 901-4008; jcornwell@plunkettcooney.com.

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