

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT TAYLOR, Mayor, City of Roseville;
DOUGLAS R. ALEXANDER, City Manager,
City of Algonac; MATTHEW BIERLEIN,
County Commissioner, Tuscola County;
DONALD LYONS, Mayor, City of Dowagiac;
TODD R. ROBINSON, Superintendent, New Haven
Community Schools; RUSSELL
PICKELL, Superintendent, Riverview
Community Schools; KELLY COFFIN,
Superintendent, Tecumseh Public Schools;
KIMBERLY AMSTUTZ-WILD, School Board
President, Tecumseh Public Schools; KEITH
WUNDERLICH, Superintendent, Waterford
School District; ROBERT SEETERLIN, School
Board President, Waterford School District;
MICHELLE IMBRUNONE, Superintendent,
Goodrich Area Schools; DAVID P. PRAY,
Superintendent, Clinton Community Schools;
PATRICIA MURPHY-ALDERMAN,
Superintendent, Bryon Area Schools; AMY
LAWRENCE, School Board President, Byron
Area Schools; AMY LAWRENCE, School
Board President, Byron Area Schools; ROBERT
D. LIVERNOIS, Superintendent, Warren
Consolidated School District; YVONNE
CAAMAL CANUL, Superintendent, Lansing
School District; in their individual and official
capacities; and STEPHEN PURCHASE, in his
individual capacity,

Plaintiffs,

v

No. 2:16-cv-10256

HON. JOHN CORBETT
O'MEARA

MAG. R. STEVEN
WHALEN

RUTH JOHNSON, in her official capacity as
Secretary of the State of Michigan; and the
STATE OF MICHIGAN,

Defendants.

Scott R. Eldridge (P66452)
Michael J. Hodge (P25146)
Attorneys for Plaintiffs
Miller Canfield
One Michigan Avenue, Ste. 900
Lansing, Michigan 48933
517-483-4918
Eldridge@millercanfield.com
hodge@millercanfield.com

Denise C. Barton (P41535)
Joseph Y. Ho (P77390)
Assistant Attorneys General
Attorneys for Defendants
P.O. Box 30736
Lansing, Michigan 48909
517-373-6434
bartond@michigan.gov
hoj@mi.gov

Jerome R. Watson (P27082)
Brian M. Schwartz (P69018)
Attorneys for Plaintiffs
Miller Canfield
150 West Jefferson, Ste 2500
Detroit, Michigan 48226
313-963-6420
Schwartzb@millercanfield.com
watson@millercanfield.com

Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Dykema Gossett PLLC
Attorneys for Proposed *Amici Curiae*
201 Townsend Street, Suite 900
Lansing, MI 48933
(517) 374-9133
ggordon@dykema.com
jhanselman@dykema.com

**BRIEF OF THE MICHIGAN MUNICIPAL LEAGUE, THE MICHIGAN
ASSOCIATION OF COUNTIES, THE MICHIGAN TOWNSHIPS
ASSOCIATION AND THE CONFERENCE OF WESTERN WAYNE AS
AMICUS CURIAE IN SUPPORT OF PLAINTIFFS**

DYKEMA GOSSETT, A PROFESSIONAL LIMITED LIABILITY COMPANY, CAPTOL VIEW, 201 TOWNSEND STREET, SUITE 900, LANSING, MICHIGAN 48933

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I. Introduction

Because speech is an essential mechanism of democracy--it is the means to hold officials accountable to the people--political speech must prevail against laws that would suppress it by design or inadvertence.

--*Citizens United v. FEC*, 558 U.S. 310, 312, 130 S. Ct. 876, 175 L. Ed. 2d. 253 (2010)

A. Summary of the Dispute

Michigan's legislature added an amendment to a campaign finance bill to prevent local public officials from using public resources to communicate regarding local ballot measures within 60 days of an election. 2015 PA 269 ("PA 269"). The problem is that the new prohibition appears to have been hastily prepared and not properly reviewed to determine whether the legislation's restraint on free speech passes constitutional muster. Section 57(3) of PA 269 clearly violates the United States Constitution. The Legislature has no compelling interest in restraining content neutral speech and Section 57(3) is not narrowly tailored to achieve any legitimate government interest. Section 57(3) must, therefore, be declared unconstitutional and enforcement of the provision enjoined.

It appears, although it is still unclear, that public officials, including all of the *amici's* members, are restrained from discussing—verbally, in writing, or electronically—through mass communications any ballot measure within 60 days of the election, if the communication would involve the expenditure of public funds. Unfortunately, Section 57(3) is so poorly written that public officials do not

know, for example, if they can respond to a question from the public regarding a pending ballot proposal at a televised public meeting. If the public official is being paid to attend the meeting or if the meeting space or equipment are paid for by public funds, arguably “public funds” are being used for a “person acting for a public body” to engage in “communication” by “television.” *Amici* recognizes that the Legislature probably did not intend such a restraint, however, hasty drafting leaves it an open question. Where such an open question could result in criminal charges for public officials violating the new law, such ambiguity creates a chilling effect restraining political speech and violates the United States Constitution.

B. Identity and Interest of *Amici Curiae*

1. The Michigan Municipal League

The Michigan Municipal League (“MML”) is non-profit Michigan corporation comprised of 521 Michigan local cities and villages. It provides educational services to its members, advocates at the state and federal level for, or in opposition, to legislation that impacts its members, and intervenes in litigation in both state and federal courts to present the position of its members on issues that may interfere with the fair and efficient governing of its member governmental units.

MML members conduct numerous elections at which issues may be placed before the electorate that directly impact the operations, functions, and territory of

its members. Many of these issues are complex and require government units and/or elected officials to explain them in a factual, non-partisan, and unbiased manner so that the electorate may be fully informed of the issues prior to Election Day. *See* Exhibit A, MML Executive Director Daniel P. Gilmartin's Declaration. Examples of the type of factual information provided to voters are included as attachments to the Kalamazoo Deputy City Clerk's Declaration. Exhibit B. The electorate, based on information and belief, does not focus on ballot issues until the time period encompassed by a 60-day window before the election. Exhibit A, ¶4.

MML's interest in this matter is to ensure that public officials are free to speak to voters regarding pending ballot proposals, and are not restrained from informing voters out of a fear of criminal prosecution in the event they undertake such political speech. *Id.*

MML's interest is also to ensure voters, who are constituents of its members, are able to be informed of critical ballot question issues in the time immediately before an election, so that a reasonable and informed decision may be made by the citizens of each of MML's member cities, villages and townships. Examples of the types of issues that may be considered include, but are not limited to, charter amendments, whether or not to adopt ordinances or zoning regulations, annexations of territory from one governmental unit to another, whether to incorporate as a city or not, consolidation of police and fire services with another

governmental unit, etc. These issues are complex and local units of government and their elected officials are best situated to explain—on a factual and non-partisan basis—the complexities of the issues.

Absent this ability to explain the issues, an uninformed electorate may vote on issues and suffer unintended consequences that would not be present had the voters been provided adequate information by the individual units of government and/or their elected officials. If local governments are unable to disseminate factual information about election issues, many voters who rely on local governments to provide factual information about upcoming proposals likely will simply not vote at all on these ballot proposals.

MML's interests are more broad, diverse, and unique than the Plaintiffs and, therefore, the MML brings a unique perspective which should justify its participation as *amicus*.

2. The Michigan Association of Counties

The Michigan Association of Counties (the "Counties") is a nonpartisan, non-profit organization that advances education, communication, and cooperation among county government officials in Michigan, and is the counties' voice at the state and federal level, providing legislative support on key issues affecting its members. *See* Exhibit C, Declaration of Timothy McGuire. Counties often place complex issues on the ballot, including whether certain programs should be

funded, millage renewals, annexation issues, and other complex issues that require neutral, factual, and non-biased information to be provided to the voters. *Id.* Similar to municipal officials, to deny county elected officials the opportunity to communicate factual information with voters within a 60-day time period prior to the election will have the same adverse impacts as detailed above for municipalities. The Counties have a unique perspective that should justify its participation as *amicus* in this matter.

3. The Michigan Townships Association.

The Michigan Townships Association (the “Townships”) is a non-profit corporation that represents the interests of 1,240 local units of government that govern over 96% of Michigan’s land area, and provides educational services, publications, educational workshops, and online learning opportunities to its members, as well as advocating on their behalf with regard to legislative issues. *See* Exhibit D, Declaration of G. Lawrence Merrill.

Many of the issues appearing on township election ballots are complex and require explanation—particularly during the 60 days prior to an election—when voters are more likely to focus on the issues, through mass communications such as cable television, broadcast of township board meetings, and distribution of factual information through the mail. *Id.* However, Section 57(3) of PA 269 prohibits this communication and, in fact, makes certain communications criminal.

Township's members are concerned that the vague nature of the Act may inadvertently cause them to violate the law, leading to possible criminal charges. Township's interests are similar to those of the MML and the Counties in that it conducts elections, has an interest in informing the electorate, and desires to protect public officials' First Amendment rights.

4. Conference of Western Wayne.

The Conference of Western Wayne ("CWW") is a consortium of 18 western Wayne County communities consisting of the Cities of Belleville, Dearborn, Dearborn Heights, Garden City, Inkster, Livonia, Northville, Plymouth, Romulus, Wayne and Westland, and the Townships of Canton, Huron, Northville, Plymouth, Redford, Sumpter and Van Buren. Among other functions, CWW monitors state and federal legislation for impacts on local government. *See* Exhibit E, Declaration of Jordyn Salmon. The cities and townships that are members of CWW are adversely impacted by Section 57(3) of PA 269 in many of the same ways as are members of the other *Amici*. Section 57(3) will have the impact of reducing the available information to voters on issues that can be very complex, and upon which information may not be available from any reliable sources other than government. *Id.* Ballot wording can be quite complex due to legal requirements for millages and other issues. *See*, Exhibit E, ¶ 4. Absent the ability to provide explanatory information to the voters, voters will likely either be

confused or will not understand the issue. CWW interests are different and, as with the other *amici*, unique from the Plaintiffs.

C. Source of Authority to File

The Parties to this matter have agreed by stipulation to the filing of the Proposed Amici Curiae Brief. Therefore, by separate motion and based on the Stipulation of the Parties, under the inherent authority of the federal district court, the Amici have filed a Motion seeking leave to file the brief.

II. ARGUMENT

A. Section 57(3) of PA 269.

On December 16, 2015, the Legislature passed SB 571 of 2015 (“SB 571”), which was given immediate effect. SB 571 proposed to add a new subsection (3) to Section 57 of the Michigan Campaign Finance Act, 1976 PA 388, MCL 169.201 et seq. (the “Act”), which provided:

Except for an election official in the performance of his or her duties under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or a person acting for a public body, shall not, during the period 60 days before an election in which a local ballot question appears on a ballot, use public funds or resources for a communication by means of radio, television, mass mailing, or prerecorded telephone message if that communication references a local ballot question and is targeted to the relevant electorate where the local ballot question appears on the ballot.

MCL 169.257(3).

Governor Snyder signed SB 571 into law as PA 269 on January 6, 2016, but

expressed concerns regarding the ambiguities in Section 57(3) and called on the Legislature to enact new legislation to fix the concerns that are the subject of this case.¹ Specifically, Governor Snyder's letter stated:

Recognizing that many local governmental entities and schools have raised concerns regarding confusion with the new language in section 57, I am calling on the Legislature to enact new legislation to address those concerns, and clarify that the new language does not impact the expression of personal views by a public official, the use of resources or facilities in the ordinary course of business, and that it is intended only to prohibit the use of targeted advertisement style mass communications that are reasonably interpreted as an attempt to influence the electorate using taxpayer dollars. Local governmental entities and schools should still be allowed to distribute basic information about an election including the proposed or final ballot language and the date of the election.

Section 57(3) of PA 269 prohibits communication of factual, unbiased, non-partisan information by the governmental unit, elected officials, employees, volunteers, or anyone else "acting for a public body" about any issues that may appear on the ballot for a period of 60 days before the election utilizing public funds in mass communications. Unfortunately, "person acting for a public body" is an undefined phrase, leaving the applicability of Section 57(3)'s criminal sanctions even more troubling. Is the prohibition limited to elected officials or

¹ Because PA 269 took effect 62 days before the March 8, 2016 election, government entities with March elections had just 2 days to communicate with constituents before the 60-day gag order took effect. Many governments already had proposals on the March ballot that could not be removed at the time Governor Snyder signed the legislation—leaving public bodies and public officials unable to provide information to citizens regarding pending ballot questions.

those employed by the public body? Is a school district's PTA acting for the public body? Students within a school district? The Legislature did not clarify the prohibition's applicability, so it is anyone's guess.

Although the State asserts that Section 57(3)'s purpose is "to prohibit communications that are plain attempts to influence voters to vote in a particular way without using words like "vote for" or "support,"² the Act already prohibited such activity, stating that:

A public body or a person acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a). The prohibition under this subsection includes, but is not limited to, using or authorizing the use of public resources to establish or administer a payroll deduction plan to directly or indirectly collect or deliver a contribution to, or make an expenditure for, a committee. Advance payment or reimbursement to a public body does not cure a use of public resources otherwise prohibited by this subsection.

MCL 169.257(1)

Contribution as used in this section is defined in section 4(1) of the Act as "...for the purpose of influencing the nomination or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party." MCL. 169.204(1). So the "communications" that are

² State's Brief, *Id.* at 4.

allegedly subject of the new section 57(3) are *already* prohibited. Thus, the communication that is banned by the new section is a limitation on the ability to inform the electorate in a factual, non-partisan, unbiased manner of complex issues that are pending on the ballot in the 60 days before the election. This limitation applies if the speaker is a public body or a person acting for the public body, both of which are in the best position to provide factual information and explanations to voters. That is particularly true given that the public officials seeking to explain a ballot question often are those who decided to offer a ballot question to voters.

B. Section 57(3) Impermissibly Restrains Free Speech in Violation of the First Amendment of the United States Constitution.

1. The First Amendment Prohibits Restraints on Political Speech.

The First Amendment of the United States Constitution provides that Congress “shall make no law . . . abridging the freedom of speech.” The Fourteenth Amendment makes that prohibition applicable to the States. *Stromberg v. California*, 283 U. S. 359, 368, 51 S. Ct. 532, 75 L. Ed. 1117 (1931).

The regulation of political speech or expression is, and always has been, at the core of the protection afforded by the First Amendment. *McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 346, 115 S. Ct. 1511, 131 L. Ed. 2d 426 (1995). “Political speech is the primary object of First Amendment protection and the lifeblood of a self-governing people.” *McCutcheon v. FEC*, 134 S. Ct. 1434, 1462, 188 L. Ed. 2d 468 (2014), (Thomas, J. concurring) (internal quotations omitted). It

is at the heart of the protections of the First Amendment and is, “of course...at the core of what the First Amendment is designed to protect.” *Morse v. Frederick*, 551 U.S. 393, 403, 127 S. Ct. 2618, 168 L. Ed. 2d 290 (2007) (internal quotation omitted).

The Supreme Court has also recently explained that “speech and association for political purposes is the kind of activity to which the First Amendment ordinarily offers its strongest protection” *Holder v. Humanitarian Law Project*, *Holder v. Humanitarian Law Project*, 561 U.S. 1, 42, 130 S. Ct. 2705 (2010) (citing, *NY Times Co. v. Sullivan*, 376 U.S. 254, 259, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964) (the Founding Fathers fashioned the First Amendment “to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.”)) (quoting *Roth v. US*, 354 U.S. 476, 484, 77 S. Ct. 1304, 1 L. Ed. 2d 1498 (1957))) (emphasis omitted). The Supreme Court has gone so far as to declare that instruments articulating or disseminating ideas and opinions in the political arena are “weapons in the defense of liberty.” *Lovell v. City of Griffin*, 303 U.S. 444, 452, 58 S. Ct. 666, 82 L. Ed. 949 (1938) (rejecting licensing scheme for pamphlets and leaflets). *Amici’s* members regularly use these weapons in the defense of liberty to educate citizens regarding upcoming ballot measures. See examples of informational material attached as Exhibits F-L.

“The right of citizens to inquire, to hear, to speak, and to use information to

reach consensus is a precondition to enlightened self-government and a necessary means to protect it.” *Citizens United, supra* at 339. First Amendment standards “must give the benefit of any doubt to protecting rather than stifling speech.” *Federal Election Comm’n v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 469, 127 S. Ct. 2652, 168 L. Ed. 2d 329 (2007).

2. Section 57(3) Restrains Discussions Regarding Political Speech and is Subject to Strict Scrutiny.

Discussion of ballot proposals—no matter who the speaker—is political speech. *See, e.g., Meyer v. Grant*, 486 U.S. 414, 108 S. Ct. 1886 (1988). Laws that burden political speech are “subject to strict scrutiny, which requires the government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest.” *Citizens United at supra*, at 339 (quoting *Wisconsin Right to Life, supra*, at 464).³

3. The State Lacks a Compelling Government Interest in Restraining Content Neutral Speech by Governments and Public Officials.

The State’s asserted purpose of Section 57(3) is “to prohibit communications that are plain attempts to influence voters to vote in a particular way without using

³ The State asserts that the standard of review is less exacting based on the speaker’s character. The State properly notes that some Plaintiffs in the original Complaint derive their power from the State, however, the State fails to acknowledge that counties and townships created by the Michigan Constitution have certain powers also designated by the constitution and that the State has no power to diminish those governments’ sovereign power. Mich Const 1963, art VII.

words like ‘vote for’ or ‘support.’” State’s Brief, at 4. The State, therefore, appears to be arguing that Section 57(3)’s prohibition is intended to prevent local governments from undertaking “express advocacy” without using the so-called “magic words” that expressly advocate for passage.

The State’s asserted interest is odd though because the Act already prohibits express advocacy in this context. It also remains a mystery why the Legislature decided to subject public officials to criminal prosecution—especially since use of public funds for partisan purposes is already prohibited by the Act. Simply put, Section 57(3) is inexplicable because it appears the State is arguing the Legislature had a compelling interest in prohibiting conduct that was already prohibited.

Given that there is no other rational explanation for this new prohibition and that the language of Section 57(3) was passed without a hearing or even open legislative discussion, and that this Court cannot accept theoretical or post-hoc explanations for the Legislature’s reasoning, *amici* seems to be left with no choice but to accept the explanation in Defendants’ Brief. The problem is that the Legislature went far beyond its stated intent in enacting Section 57(3).

4. Even If The State Had A Compelling Interest In Restraining Content Neutral Speech, Section 57(3) Is Not The Least Restrictive Means By Which The State Could Do So.

PA 269 must be narrowly tailored to further a compelling government interest. A law is narrowly tailored if it is the least restrictive means by which the

state could advance its interest. *See, e.g., Rutan v Republican Party of Ill*, 497 US 62, 74; 110 S Ct 2729; 111 L Ed 2d 52 (1990); *FEC v Mass Citizens for Life, Inc*, 479 US 238, 262; 107 S Ct 616; 93 L Ed 2d 539 (1986). Furthermore,

A narrowly tailored regulation is one that actually advances the state’s interest (is necessary), does not sweep too broadly (is not overinclusive), does not leave significant influences bearing on the interest unregulated (is not underinclusive), and could be replaced by no other regulation that could advance the interest as well with less infringement of speech (is the least-restrictive alternative).”

Republican Party v. White, 416 F.3d 738, 751 (8th Cir. 2005)

In seeking to prohibit governments and public employees from advocating for or against ballot questions, the Legislature used a sledgehammer to crack a nut—a nut that had already been cracked. As noted above, the Legislature sought to solve a perceived problem by prohibiting conduct that the Act already prohibits. However, instead of merely strengthening the prohibition on public bodies or officials conducting direct advocacy with public dollars, the Legislature drastically expanded the prohibition to forbid public bodies from using public funds to inform voters with unbiased, nonpartisan information, such as the language of a specific ballot measure, within 60 days of a relevant election. Indeed, Section 57(3) precludes public bodies and officials from even referencing the existence of a ballot proposal, let alone informing citizens regarding the ballot question proposed by the public body.

Moreover, Section 57(3) left in doubt whether a public officer could opine on a ballot question if directly asked on a radio interview or if a public body could send out a mailing to constituents notifying them of the issues to be on the ballot on Election Day. Such communications are all essential to democratic processes and an informed electorate, not to mention core political speech that the electorate has a constitutional right to receive. In seeking to rectify an insignificant, if not imagined, problem, the Legislature created a host of very real, and very serious, issues, including the threat of criminal prosecution to suppress and silence constitutionally-protected speech.

Less than two weeks after PA 269 went into effect, HB 5219 of 2016 was introduced to amend Section 57(3) to allow a public body, or a person acting on behalf of a public body, to use public funds to communicate the language of a local ballot question or the date of an election to the electorate within 60 days of an election. Similarly, the bill allows a public body to discuss a local ballot initiative at a meeting of a public body, so long as both proponents and opponents of the measure have an equal opportunity to discuss. In short, HB 5219 seeks to rectify the constitutional injuries rendered by PA 269.

As Representative Lyons explained in introducing the new bill, “[t]he bill will clarify that officials can indeed discuss ballot question at their meetings. It also expressly allows the election date and ballot language to be included in

publicly funded mass communication.” Emily Lawler, *Clarify? Repeal? Michigan legislature looks at follow-up options for ‘gag order’ bill*, MLIVE, (January 15, 2016, 12:21 PM), http://www.mlive.com/news/index.ssf/2016/01/clarify_repeal_michigan_legisl.html. Representative Lyons went on to say, “Let’s make no mistake that local officials are indeed able to do their public duty by providing factual information to residents about ballot questions, but they will not be permitted to cross the line from informing citizens into influencing voters at the expense of the taxpayer.” *Id.*

More importantly, however, this legislation, and the rapidity with which it was drafted and introduced, unequivocally demonstrates that the Legislature could have easily chosen another, less restrictive, alternative to address the purpose behind the amendment to Section 57(3). When regulating protected speech, the government must restrict speech no more than necessary to achieve its goals. *Ashcroft v ACLU*, 542 US 656, 666; 124 S Ct 2783; 159 L Ed 2d 690 (2004). If a less restrictive alternative would effectively serve the State’s purpose, then the burden on speech is unacceptable. *Reno v ACLU*, 521 US, 844, 874; 117 S Ct 2329; 138 L Ed 2d 874 (1997). Here, the Legislature itself has shown that a less restrictive alternative existed, and by passing PA 269 instead chilled legitimate and protected speech to an unacceptable degree. As such, PA 269 runs afoul of

constitutional standards, and the State should be enjoined from enforcing Section 57(3) as amended.

C. Section 57(3)'s Restraint On Speech Exceeds Constitutionally Permissible Boundaries.

The State argues that Section 57(3) is constitutional because governmental bodies receive their powers from the state and may be destroyed by the Legislature and, therefore, the Legislature may impose any regulation it desires, including a complete ban on speech, if public funds are expended. Defendants' Brief, at pp 5-6. Of course, that argument ignores that the Michigan Constitution created counties and other municipalities, and specifically provides for certain officers to serve as public officials. Mich Const 1963, art VII.

One case the State cites in support of Section 57(3)'s restraint on speech is *Ysursa v. Pocatello Educ. Ass'n*, 555 U.S. 353, 129 S. Ct. 1093, 172 L. Ed. 2d 770 (2009), in which the court considered whether an Idaho law banning payroll check-offs for political purposes was constitutional. The Court allowed the law, but noted that "Idaho's law does not restrict political speech, but rather declines to promote that speech by allowing public employee checkoffs for political activities." *Id.* at 355.

Of course, that fact situation is completely different from the instant case where the statute expressly restricts political speech based both on its content and on the speaker's identity.

D. PA 469 Violates The Equal Protection Clause

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution states:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. US Const., Amendment XIV.

In short, the Equal Protection Clause prohibits the government from denying equal protection of the laws to any person. US Const, amend XIV. The Equal Protection Clause is triggered when the government treats someone differently than another who is similarly situated. *Buckley Const., Inc. v. Shawnee Civic & Cultural Development Authority*, 933 F.2d 853, 859 (10th Cir. 1991). Specifically in the context of protected speech, the First and Fourteenth Amendments operate to prohibit restrictions distinguishing among different speakers, allowing speech by some but not others. *First Nat. Bank of Boston v. Bellotti*, 435 U.S. 765, 784, 98 S. Ct. 1407, 55 L. Ed. 2d 707 (1978).

The Supreme Court explained in *Citizens United* that “[a]s instruments to censor, these categories are interrelated: Speech restrictions based on the identity of the speaker are all too often simply a means to control content.” *Citizens United v. FEC*, 558 U.S. 310, 340. In this case, the Michigan Legislature seeks to treat public officials, public employees, public body volunteers, or anyone else deemed

to be “acting for a public body” different than others who are similarly situated. For example, at a city council meeting, a part-time city council member would be barred from discussing an impending charter amendment, while his or her next door neighbor would have no similar restriction. Such disparate treatment among similarly situated individuals violates the Equal Protection Clause.

E. PA 469 Is Unconstitutional Vague Under The Due Process Clause Of The United States Constitution.

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution states:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. US Const., Amendment XIV.

Our Constitution is designed to maximize individual freedoms within a framework of ordered liberty. *Kolender v. Lawson*, 461 U.S. 352, 357, 103 S. Ct. 1855, 75 L. Ed. 2d 903 (1983). Statutory limitations on those freedoms are examined for substantive authority and content as well as for definiteness or certainty of expression. *Id.*

It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. *Grayned v. City of Rockford*, 408 U.S. 104, 108, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972). The void-for-vagueness doctrine requires that a statute imposing criminal penalties define the criminal

offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement. *Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 494, 102 S. Ct. 1186, 71 L. Ed. 2d 362 (1982). An act is unconstitutionally vague if it does not provide: (1) fair warning of the prohibited conduct and (2) guidance to avoid arbitrary enforcement. *F.C.C. v. Fox TV Stations, Inc.*, 132 S. Ct. 2307, 2317, 183 L. Ed. 2d 234 (2012).

Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162, 92 S. Ct. 839, 31 L. Ed. 2d 110 (1972). Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. *Id.* A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an *ad hoc* and subjective basis, with the attendant dangers of arbitrary and discriminatory application. *Grayned, supra*, at 408 U.S. 104, 108-09, 92 S. Ct. 2294, 2298-99 (1972). Third, but related, where a vague statute “abut[s] upon sensitive areas of basic First Amendment freedoms,” it “operates to inhibit the exercise of [those]

freedoms.” *Baggett v. Bullitt*, 377 U.S. 360, 372, 84 S. Ct. 1316, 12 L. Ed. 2d 377 (1964). Uncertain meanings inevitably lead citizens to “‘steer far wider of the unlawful zone’ . . . than if the boundaries of the forbidden areas were clearly marked.” *Id.* (quoting *Speiser v. Randall*, 357 U.S. 513, 526, 78 S. Ct. 1332, 2 L. Ed. 2d 1460 (1958)).

Here, it could be said that more is vague about Section 57(3) than is clear. It is unclear who is “acting for a public body,” what constitutes a “use of public...resources,” whether public bodies may broadcast meetings via television or radio if any attendee at the meeting discusses an impending ballot question (i.e., does that broadcast constitute a “communication” by the public body that “references” a ballot question?).

Furthermore, Section 57(1)(a) of the Act excludes “expression of views by an elected or appointed public official who has policy making responsibilities” from the prohibition against use of public funds for political expression. MCL 169.257(1)(a). However, under the newly enacted Section 57(3) such expression of views is now prohibited if it uses public resources “for a communication by means of radio or television....” Does this mean that the elected official—or other public official—in responding to a reporter’s inquiry, may not use his public office or telephone without fear of prosecution—or not? The plain language of the statute would appear so but the result would be absurd. Would an elected official

or public employee be willing to risk it?

The Governor recognized the “confusion with the new language” before signing PA 269 and implored the Legislature to fix it. The Legislature now appears to recognize the error in its ways and is considering legislation to correct the ambiguities. Michigan citizens—and *amici curiae*, specifically—deserve clarity in laws that carry criminal penalties. Section 57(3) is far too vague to provide such certainty—it should be declared unconstitutional and its enforcement enjoined.

Dated: February 2, 2016

/s/ Jason T. Hanselman
Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Dykema Gossett PLLC
Attorneys for Proposed Amicus Curiae
201 Townsend Street, Suite 900
Lansing, MI 48933
(517) 374-9133
ggordon@dykema.com
jhanselman@dykema.com

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2016, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record. I hereby certify that I have mailed by United States Postal Service the same to any non-ECF participants.

Dated: February 2, 2016

/s/ Jason T. Hanselman
Jason T. Hanselman (P61813)
Dykema Gossett PLLC
Attorney for Proposed Amicus Curiae
201 Townsend Street, Suite 900
Lansing, MI 48933
(517) 374-9181
jhanselman@dykema.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT TAYLOR, Mayor, City of Roseville;
DOUGLAS R. ALEXANDER, City Manager,
City of Algonac; MATTHEW BIERLEIN,
County Commissioner, Tuscola County;
DONALD LYONS, Mayor, City of Dowagiac;
TODD R. ROBINSON, Superintendent, New Haven
Community Schools; RUSSELL
PICKELL, Superintendent, Riverview
Community Schools; KELLY COFFIN,
Superintendent, Tecumseh Public Schools;
KIMBERLY AMSTUTZ-WILD, School Board
President, Tecumseh Public Schools; KEITH
WUNDERLICH, Superintendent, Waterford
School District; ROBERT SEETERLIN, School
Board President, Waterford School District;
MICHELLE IMBRUNONE, Superintendent,
Goodrich Area Schools; DAVID P. PRAY,
Superintendent, Clinton Community Schools;
PATRICIA MURPHY-ALDERMAN,
Superintendent, Bryon Area Schools; AMY
LAWRENCE, School Board President, Byron
Area Schools; AMY LAWRENCE, School
Board President, Byron Area Schools; ROBERT
D. LIVERNOIS, Superintendent, Warren
Consolidated School District; YVONNE
CAAMAL CANUL, Superintendent, Lansing
School District; in their individual and official
capacities; and STEPHEN PURCHASE, in his
individual capacity,

Plaintiffs,

v

No. 2:16-cv-10256

INDEX OF EXHIBITS

HON. JOHN CORBETT
O'MEARA

MAG. R. STEVEN
WHALEN

RUTH JOHNSON, in her official capacity as
Secretary of the State of Michigan; and the
STATE OF MICHIGAN,

Defendants.

Scott R. Eldridge (P66452)
Michael J. Hodge (P25146)
Attorneys for Plaintiffs
Miller Canfield
One Michigan Avenue, Ste. 900
Lansing, Michigan 48933
517-483-4918
Eldridge@millercanfield.com
hodge@millercanfield.com

Denise C. Barton (P41535)
Joseph Y. Ho (P77390)
Assistant Attorneys General
Attorneys for Defendants
P.O. Box 30736
Lansing, Michigan 48909
517-373-6434
bartond@michigan.gov
hoj@mi.gov

Jerome R. Watson (P27082)
Brian M. Schwartz (P69018)
Attorneys for Plaintiffs
Miller Canfield
150 West Jefferson, Ste 2500
Detroit, Michigan 48226
313-963-6420
Schwartzb@millercanfield.com
watson@millercanfield.com

Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Dykema Gossett PLLC
Attorneys for Proposed *Amici Curiae*
201 Townsend Street, Suite 900
Lansing, MI 48933
(517) 374-9133
ggordon@dykema.com
jhanselman@dykema.com

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RUTH JOHNSON, in her official capacity as
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O'MEARA

MAG. R. STEVEN
WHALEN

Scott R. Eldridge (P66452)
Michael J. Hodge (P25146)
Attorneys for Plaintiffs
One Michigan Avenue
Lansing, Michigan 48933

Jerome R. Watson (P27082)
Brian M. Schwartz (P69018)
Attorneys for Plaintiffs
150 West Jefferson, Ste 2500
Detroit, Michigan 48226
313.963.6420

Denise C. Barton (P41535)
Joseph Y. Ho (P77390)
Assistant Attorneys General
Attorneys for Defendants
P.O. Box 30736
Lansing, Michigan 48909
517.373.6434

Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Dykema Gossett PLLC
Attorneys for Proposed Amicus Curiae
201 Townsend Street, Suite 900
Lansing, MI 48933
(517) 374-9133
ggordon@dykema.com
jhanselman@dykema.com

DECLARATON OF DANIEL P. GILMARTIN IN SUPPORT OF AMICUS BRIEF

I, Daniel P. Gilmartin declare as follows:

1. I am the Executive Director and Chief Executive officer of the Michigan Municipal League (“MML”).
2. The MML is a non-profit Michigan corporation comprising of 521 Michigan local governments whose purpose is the improvement of municipal government and administration through cooperative effort.
3. The MML assists its members with various educational programs covering many facets of municipal government in addition to advocating for municipalities at the state and government level. The MML also intervenes in litigation to protect the interests of its members.

4. The government entities that are members of MML conduct and/or oversee scores of elections on a myriad of issues including, but not limited to, zoning, annexation, fluoridation of water, millage, public improvement, charter amendments, ordinance approvals, etc.

5. Many of these issues are extremely complex and questions arise from the public—usually shortly before the election and certainly within a 60 day period before the election when attention becomes more focused on issues pending at an election.

6. It is important for public officials to be able to provide factual, non-biased information on pending ballot issues in the days leading to the election so that the electorate may make an informed decision on important issues that have long range impacts to the community.

7. Explanatory information is routinely provided by various clerks in mass mailings explaining issues in a factual non-biased basis that assist voters in understanding complex issues that may appear on the ballot.

8. Prohibition of the dissemination of this type of factual information by the governmental bodies that are members of the MML, in my opinion, will have an adverse impact on the community by depriving the units of government and their elected officials of the opportunity to educate the electorate of important issues that will be on the ballot during the critical 60 days before the election.

9. Section 57(3) also appears to subject individual municipal elected officials, appointed board members, and others to criminal penalties if they discuss election issues at regularly scheduled board meetings, zoning board meetings, or any other meetings that may be routinely broadcast by local government cable television services

within 60 days of an election, as is common in many jurisdictions.

10. It is not clear exactly what activities of elected officials and others will be prohibited or subject to criminal penalties.

11. For example, at a routinely televised Township Board meeting within 60 days of an election, will a member be subject to criminal penalties if he/she responds to a constituent's question regarding an issue pending on the ballot? One section of the Act appears to allow such communication, but Section 57(3) appears to make it a crime.

12. Will constituents be allowed to comment at meetings that may be televised on local government cable networks within 60 days of an election or must the government engage in censorship of speech of its citizens to avoid criminal penalties of Section 57(3)? These are questions that are not clear by the terms of the act but which may lead to criminal penalties for those in violation.

I, Daniel P. Gilmartin, declare and certify that I have read the foregoing Declaration and know its contents. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 1st day of February, 2016

A handwritten signature in cursive script that reads "Daniel P. Gilmartin". The signature is written in black ink and is positioned above a horizontal line.

Daniel P. Gilmartin

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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Scott R. Eldridge (P66452)
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Attorneys for Plaintiffs
One Michigan Avenue
Lansing, Michigan 48933

Jerome R. Watson (P27082)
Brian M. Schwartz (P69018)
Attorneys for Plaintiffs
150 West Jefferson, Ste 2500
Detroit, Michigan 48226
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Assistant Attorneys General
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P.O. Box 30736
Lansing, Michigan 48909
517.373.6434

Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Dykema Gossett PLLC
Attorneys for Proposed Amicus Curiae
201 Townsend Street, Suite 900
Lansing, MI 48933
(517) 374-9133
ggordon@dykema.com
jhanselman@dykema.com

DECLARATON OF SHELBY MOSS IN SUPPORT OF AMICUS BRIEF

I, Shelby Moss declare as follows:

1. I am the Deputy City Clerk for the City of Kalamazoo.
2. Part of my duties is the administration of elections, which includes providing voters information on polling locations and the offices and proposals which will appear on the ballot.
3. Since 2008 the Office of City Clerk has for general elections mailed out sample ballot pamphlets to the households of registered City of Kalamazoo voters. The pamphlets provide voters basic information and include a sample ballot which includes the exact wording of the proposal questions on the ballot. No other information, other than the actual text of the proposals that voters would see on their ballot is included in

the pamphlet. The most recent mailing, attached to this Declaration, occurred in 2014 and was sent to approximately 31,000 registered City voters within 60 days of that election.

4. Ballot proposals can be extremely complex, for example see page 4 of the 2014 Sample Ballot pamphlet which sets forth five interrelated proposed City Charter amendments, and Office of the City Clerk regularly receives questions from the public regarding the wording of ballot proposals, usually shortly before the election and certainly within the 60 day period before the election when voters' attention becomes more focused on issues pending at an election.

5. So as to reduce the delays to the voting public caused by confusion at the polls due to voter unfamiliarity with the proposals appearing on the ballot it is important for public officials to be able to provide factual, non-biased information on pending ballot issues in the days leading to the election so that the electorate may make an informed decision on important issues that have long range impacts to the community, such as the City Charter amendments which appeared on the 2014 ballot.

6. Given the recently adopted language of Section 57 of Public Act 269 of 2015, the Kalamazoo City Clerk's office, due to the threat of possible criminal sanctions for violation of the Act's provisions, and on the advice of the City Attorney, will no longer provide sample ballot mailings to City voters when a local proposal appears on the ballot.

7. Prohibiting communications during the critical 60 days before the election of factual information by the governmental officials charged with administering elections, in my opinion, will have an adverse impact on the Kalamazoo community by depriving

the City Clerk the opportunity to provide sample ballot language on important issues that will be on the ballot, likely resulting in voting delays at the polling places.

I, Shelby Moss, declare and certify that I have read the foregoing Declaration and know its contents. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 1st day of February, 2016



Shelby Moss

OFFICIAL
SAMPLE BALLOT
GENERAL ELECTION
CITY OF KALAMAZOO
Tuesday, November 4, 2014

What's inside:

- ★ Sample ballot for *your* precinct 2
- ★ Proposals 3
- ★ Selection form to complete and take to the polls 5
- ★ Important election day information 6
- ★ Absentee voting criteria 6
- ★ Map to your polling place 7

OFFICIAL BALLOT General Election Tuesday, November 4, 2014 Kalamazoo County, Michigan County Commission District 1 - Kalamazoo Public Schools Precincts 1, 7, 8, 9, 11, 13, 14 & 27		
PARTISAN SECTION	LEGISLATIVE	STATE BOARDS
STRAIGHT PARTY TICKET Vote for not more than 1	STATE SENATOR 20TH DISTRICT Vote for not more than 1	GOVERNOR OF WAYNE STATE UNIVERSITY Vote for not more than 2
Republican Party <input type="radio"/>	Margaret E. O'Brien <input type="radio"/> Sean McCann <input type="radio"/>	Michael Busuito <input type="radio"/> Satish Jasti <input type="radio"/>
Democratic Party <input type="radio"/>	Lourence Wenke <input type="radio"/>	Marilyn Kelly <input type="radio"/> Dana Alicia Thompson <input type="radio"/>
Libertarian Party <input type="radio"/>	REPRESENTATIVE IN STATE LEGISLATURE 60TH DISTRICT Vote for not more than 1	Dan Goebel <input type="radio"/> Brian Richard Wright <input type="radio"/>
U.S. Taxpayers Party <input type="radio"/>	Mike Perrin <input type="radio"/> Jon Hoadley <input type="radio"/>	Shari A. Matkin <input type="radio"/> Marc Joseph Sosnowski <input type="radio"/>
Green Party <input type="radio"/>		Margaret Gutshall <input type="radio"/> Latham T. Redding <input type="radio"/>
Natural Law Party <input type="radio"/>	STATE BOARDS	Yolanda Robson <input type="radio"/>
	MEMBER OF THE STATE BOARD OF EDUCATION Vote for not more than 2	
STATE	Maria Carl <input type="radio"/>	COUNTY
GOVERNOR AND LIEUTENANT GOVERNOR Vote for not more than 1	Jonathan Tade Williams <input type="radio"/> Pamela Pugh Smith <input type="radio"/>	COUNTY COMMISSIONER 1ST DISTRICT Vote for not more than 1
Rick Snyder <input type="radio"/> Brian Nelson Calley <input type="radio"/>	Cassandra E. Ulbrich <input type="radio"/> Kimberly Moore <input type="radio"/>	Stephanie Moore <input type="radio"/> Sarah Molenaar <input type="radio"/>
Mark Schauer <input type="radio"/> Lisa Brown <input type="radio"/>	Gregory Scott Stempfle <input type="radio"/>	
Mary Buzuma <input type="radio"/> Scotty Boman <input type="radio"/>	John Adams <input type="radio"/> Karen Adams <input type="radio"/>	NONPARTISAN SECTION
Mark McFarlin <input type="radio"/> Richard Mendoza <input type="radio"/>	Sherry A. Wells <input type="radio"/> Nikki Mattson <input type="radio"/>	JUDICIAL
Paul Homeniuk <input type="radio"/> Candace R. Caveny <input type="radio"/>		JUSTICE OF SUPREME COURT Vote for not more than 2
	REGENT OF THE UNIVERSITY OF MICHIGAN Vote for not more than 2	Brian Zahra <input type="radio"/> Richard Bernstein <input type="radio"/>
SECRETARY OF STATE Vote for not more than 1	Rob Steele <input type="radio"/> Ronald Weiser <input type="radio"/>	Doug Dern <input type="radio"/> Bill Murphy <input type="radio"/>
Ruth Johnson <input type="radio"/> Godfrey Dillard <input type="radio"/>	Mike Behm <input type="radio"/> Kathy White <input type="radio"/>	James Robert Redford <input type="radio"/>
James Lewis <input type="radio"/> Robert Gale <input type="radio"/>	James Lewis Hudler <input type="radio"/> John Jascob <input type="radio"/>	JUSTICE OF SUPREME COURT INCUMBENT POSITION Partial Term Ending 1/1/2017 Vote for not more than 1
Jason Robert Gatties <input type="radio"/>	Joe Sanger <input type="radio"/> Christine C. Schwartz <input type="radio"/>	Deborah A. Thomas <input type="radio"/> David Viviano <input type="radio"/>
ATTORNEY GENERAL Vote for not more than 1	Ian Swanson <input type="radio"/>	Kerry L. Morgan <input type="radio"/>
Bill Schuette <input type="radio"/> Mark Totten <input type="radio"/>	TRUSTEE OF MICHIGAN STATE UNIVERSITY Vote for not more than 2	JUDGE OF COURT OF APPEALS 1ST DISTRICT - INCUMBENT POSITIONS Vote for not more than 3
Justin M. Altman <input type="radio"/> Gerald T. Van Sickle <input type="radio"/>	Melanie Foster <input type="radio"/> Jeff Sakwa <input type="radio"/>	Karen Fort Hood <input type="radio"/> Christopher M. Murray <input type="radio"/>
John Anthony La Pietra <input type="radio"/>	Faylene Owen <input type="radio"/> George J. Perles <input type="radio"/>	Michael J. Talbot <input type="radio"/>
CONGRESSIONAL	Michael H. Miller <input type="radio"/>	
UNITED STATES SENATOR Vote for not more than 1	Raymond Moses <input type="radio"/> Crystal Van Sickle <input type="radio"/>	JUDGE OF CIRCUIT COURT 9TH CIRCUIT - INCUMBENT POSITION Vote for not more than 1
Terri Lynn Land <input type="radio"/> Gary Peters <input type="radio"/>	Stephen J. Young <input type="radio"/> Adam Adrianson <input type="radio"/>	Gary C. Giguere, Jr. <input type="radio"/>
Jim Fulner <input type="radio"/> Richard A. Matkin <input type="radio"/>	Terry Link <input type="radio"/> Bridgette Guzman <input type="radio"/>	
Chris Wahmhoff <input type="radio"/>		JUDGE OF PROBATE COURT NON-INCUMBENT POSITION Vote for not more than 1
REPRESENTATIVE IN CONGRESS 6TH DISTRICT Vote for not more than 1		Namita Sharma <input type="radio"/> Tiffany A. Ankley <input type="radio"/>
Fred Upton <input type="radio"/> Paul Clements <input type="radio"/>	VOTE BOTH FRONT AND BACK OF BALLOT	
Erwin J. Haas <input type="radio"/> John M. Lawrence <input type="radio"/>		

NONPARTISAN SECTION	PROPOSAL SECTION	PROPOSAL SECTION
JUDICIAL	STATE	CITY
JUDGE OF PROBATE COURT INCUMBENT POSITION Partial Term Ending 1/1/2017 Vote for not more than 1	PROPOSAL 14-1 A REFERENDUM OF PUBLIC ACT 520 OF 2012, ESTABLISHING A HUNTING SEASON FOR WOLVES AND AUTHORIZING ANNUAL WOLF HUNTING SEASONS Public Act 520 of 2012 would: - Designate wolf as game for hunting purposes and authorize the first wolf hunting season. - Allow the Natural Resources Commission to schedule annual wolf hunting seasons. - Provide criminal penalties for the unlawful possession or killing of wolves, but shield a person who lawfully captures or destroys a wolf from prosecution. - Require a person who wishes to hunt wolves to obtain a wolf hunting license. - Create a Wolf Management Advisory Council for the purpose of making nonbinding recommendations to the legislature regarding the proper management of wolves. Should this law be approved? YES <input type="radio"/> NO <input type="radio"/>	KALAMAZOO CITY CHARTER AMENDMENT PROPOSAL 3 (NOTE: ADOPTION OF PROPOSAL 3 IS CONDITIONED UPON THE ADOPTION AT THIS ELECTION OF PROPOSALS 1 AND 2.) Statement of Purpose: This Proposal addresses the method of election of the Vice Mayor if staggered four-year City Commissioner terms of office are approved. The proposed amendment provides that the City Commissioner candidate who receives the most votes in the biennial regular municipal election would be elected Vice Mayor for a term of two years. Question: Shall Section 8 of the City Charter be amended to provide for the election of the Vice Mayor as the City Commissioner candidate who receives the most votes in the regular municipal election for a 2 year term? YES <input type="radio"/> NO <input type="radio"/>
Scott Pierangeli <input type="radio"/> Judge of Probate Court		
JUDGE OF DISTRICT COURT 8TH DISTRICT - INCUMBENT POSITIONS Vote for not more than 3	PROPOSAL 14-2 A REFERENDUM OF PUBLIC ACT 21 OF 2013, GRANTING THE NATURAL RESOURCES COMMISSION THE POWER TO DESIGNATE WOLVES AND OTHER SPECIES OF WILDLIFE AS GAME WITHOUT LEGISLATIVE ACTION Public Act 21 of 2013 would: - Allow the Natural Resources Commission (NRC) to designate certain animals as game for hunting purposes and establish the first hunting season for game animals without legislative action. - Continue the NRC's designation of wolves as game and allow the NRC to set a wolf hunting season. - Grant the Legislature sole authority to remove a species from the list of designated game animals. - Eliminate the \$1.00 hunting and fishing licensing fee for members of the military, whether stationed inside or outside of Michigan, subject to any lottery. - Give the NRC sole authority to regulate fishing. Should this law be approved? YES <input type="radio"/> NO <input type="radio"/>	KALAMAZOO CITY CHARTER AMENDMENT PROPOSAL 4 (NOTE: ADOPTION OF PROPOSAL 4 IS CONDITIONED UPON THE ADOPTION AT THIS ELECTION OF PROPOSALS 1 AND 2.) Statement of Purpose: This Proposal continues the current practice of the City Commission appointing a person to fill a vacancy in the office of City Commissioner but provides that such appointments, if in the first half of a vacated term, shall require the remainder of the term to be filled by voters. Question: Shall Sections 9, and 32 of the City Charter be amended to provide for the filling of the second half of a vacant four-year term in the office of City Commissioner by popular election? YES <input type="radio"/> NO <input type="radio"/>
Robert C. Kropf <input type="radio"/> Judge of District Court		
Julle K. Phillips <input type="radio"/> Judge of District Court		
Richard A. Santoni <input type="radio"/> Judge of District Court		
COMMUNITY COLLEGE		
BOARD OF TRUSTEES MEMBER KALAMAZOO VALLEY COMMUNITY COLLEGE Vote for not more than 2		
Mary T. Gustas <input type="radio"/>		
Joseph Hohler, III <input type="radio"/>		
Derl Oberlin <input type="radio"/>		
Lucinda M. Stinson <input type="radio"/>		
Paul Foust <input type="radio"/>		
LOCAL SCHOOL DISTRICT		
BOARD MEMBER KALAMAZOO PUBLIC SCHOOLS Vote for not more than 3		
Patl Sholler-Barber <input type="radio"/>		
Ken Greschak <input type="radio"/>		
TiAnna L. Harrison <input type="radio"/>		
Kris Mbah <input type="radio"/>		
CITY		
KALAMAZOO CITY CHARTER AMENDMENT PROPOSAL 1 Statement of Purpose: Currently the City Charter provides that the City Commission is composed of seven City Commissioners and the candidates who receive the most and second-most votes are elected as the Mayor and Vice Mayor, the proposal would provide that City Commission would be composed of a Mayor and six City Commissioners. Question: Shall Sections 5, 6, 8, 9, 32, 33 and 166 of the City Charter be amended to provide City Commission would be composed of a Mayor, as a separately elected office and six City Commissioners and that the City Commissioner candidate who receives the most votes be elected Vice Mayor? YES <input type="radio"/> NO <input type="radio"/>		
BOARD MEMBER KALAMAZOO PUBLIC SCHOOLS Partial Term Ending 1/1/2017 Vote for not more than 1		
Martha Warfield <input type="radio"/>		
DISTRICT LIBRARY		
BOARD MEMBER KALAMAZOO PUBLIC LIBRARY DISTRICT Vote for not more than 3		
Richard P. Atwell <input type="radio"/>		
Frankl Hand <input type="radio"/>		
Kerria Randolph <input type="radio"/>		
James E. VanderRoest <input type="radio"/>		
Valerie Lynn Wright <input type="radio"/>		
KALAMAZOO CITY CHARTER AMENDMENT PROPOSAL 2 (NOTE: ADOPTION OF PROPOSAL 2 IS CONDITIONED UPON THE ADOPTION AT THIS ELECTION OF PROPOSALS 1, 3, 4, AND 5.) Statement of Purpose: Currently the City Charter provides that City Commissioners are elected every two years. The proposed amendments would provide that in 2015, three Commissioners would be elected to two-year terms and three Commissioners would be elected to four-year terms. Beginning in 2017 three Commissioners would be elected to four-year terms every odd-numbered year. Question: Shall Sections 5, 32, and 33 of the City Charter be amended to provide for the election of City Commissioners for staggered four-year terms of office? YES <input type="radio"/> NO <input type="radio"/>		
VOTE BOTH FRONT AND BACK OF BALLOT		

State of Michigan Proposals

PROPOSAL 14-1

A REFERENDUM OF PUBLIC ACT 520 OF 2012, ESTABLISHING A HUNTING SEASON FOR WOLVES AND AUTHORIZING ANNUAL WOLF HUNTING SEASONS

Public Act 520 of 2012 would:

- Designate wolf as game for hunting purposes and authorize the first wolf hunting season.
- Allow the Natural Resources Commission to schedule annual wolf hunting seasons.
- Provide criminal penalties for the unlawful possession or taking of wolves, but shield a person who lawfully captures or destroys a wolf from prosecution.
- Require a person who wishes to hunt wolves to obtain a wolf hunting license.
- Create a Wolf Management Advisory Council for the purpose of making nonbinding recommendations to the legislature regarding the proper management of wolves.

Should this law be approved? Yes No

PROPOSAL 14-2

A REFERENDUM OF PUBLIC ACT 21 OF 2013, GRANTING THE NATURAL RESOURCES COMMISSION THE POWER TO DESIGNATE WOLVES AND CERTAIN OTHER ANIMALS AS GAME WITHOUT LEGISLATIVE ACTION

Public Act 21 of 2013 would:

- Allow the Natural Resources Commission (NRC) to designate certain animals as game for hunting purposes and establish the first hunting season for game animals without legislative action.
- Continue the NRC's designation of wolves as game and allow the NRC to set a wolf hunting season.
- Grant the Legislature sole authority to remove a species from the list of designated game animals.
- Eliminate the \$1.00 hunting and fishing licensing fee for members of the military, whether stationed inside or outside of Michigan, subject to any lottery.
- Give the NRC sole authority to regulate fishing.

Should this law be approved? Yes No

City of Kalamazoo Proposals

KALAMAZOO CITY CHARTER AMENDMENT PROPOSAL 1

Statement of Purpose:

Currently the City Charter provides that the City Commission is composed of seven City Commissioners and the candidates who receive the most and second-most votes are elected as the Mayor and Vice Mayor. The proposal would provide that City Commission would be composed of a Mayor and six City Commissioners.

Question:

Shall Sections 5, 6, 8, 9, 32, 33 and 166 of the City Charter be amended to provide City Commission would be composed of a Mayor, as a separately elected office and six City Commissioners and that the City Commissioner candidate who receives the most votes be elected Vice Mayor?

- Yes No

KALAMAZOO CITY CHARTER AMENDMENT PROPOSAL 2

(NOTE: ADOPTION OF PROPOSAL 2 IS
CONDITIONED UPON THE ADOPTION AT THE
ELECTION OF PROPOSALS 1, 3, 4, AND 5.)

Statement of Purpose:

Currently the City Charter provides that City Commissioners are elected every two years. The proposed amendments would provide that in 2015, three Commissioners would be elected to two-year terms and three Commissioners would be elected to four-year terms. Beginning in 2017 three Commissioners would be elected to four-year terms every odd-numbered year.

Question:

Shall Sections 5, 32, and 33 of the City Charter be amended to provide for the election of City Commissioners for staggered four-year terms of office?

- Yes No

KALAMAZOO CITY CHARTER AMENDMENT PROPOSAL 3

(NOTE: ADOPTION OF PROPOSAL 3 IS
CONDITIONED UPON THE ADOPTION AT THIS
ELECTION OF PROPOSALS 1 AND 2.)

Statement of Purpose:

This Proposal addresses the method of election of the Vice Mayor if staggered four-year City Commissioner terms of office are approved. The proposed amendment provides that the City Commissioner candidate who receives the most votes in the biennial regular municipal election would be elected Vice Mayor for a term of two years.

Question:

Shall Section 8 of the City Charter be amended to provide for the election of the Vice Mayor as the City Commissioner candidate who receives the most votes in the regular municipal election for a 2 year term?

- Yes No

KALAMAZOO CITY CHARTER AMENDMENT PROPOSAL 4

(NOTE: ADOPTION OF PROPOSAL 4 IS
CONDITIONED UPON THE ADOPTION AT THIS
ELECTION OF PROPOSALS 1 AND 2.)

Statement of Purpose:

This Proposal continues the current practice of the City Commission appointing a person to fill a vacancy in the office of City Commissioner but provides that such appointments, if in the first half of a vacated term, shall require the remainder of the term to be filled by voters.

Question:

Shall Sections 9, and 32 of the City Charter be amended to provide for the filling of the second half of a vacant four-year term in the office of City Commissioner by popular election?

- Yes No

KALAMAZOO CITY CHARTER AMENDMENT PROPOSAL 5

(NOTE: ADOPTION OF PROPOSAL 5 IS
CONDITIONED UPON THE ADOPTION AT THIS
ELECTION OF PROPOSALS 1, 2 AND 4.)

Statement of Purpose:

This Proposal requires a City Commissioner in the midst of their term must resign their office in order to run for Mayor and that the vacated position is to be filled by voters.

Question:

Shall Sections 6 and 9 of the City Charter be amended to provide for the contingent resignation of a City Commissioner in the midst of their four-year term in order to seek the office of Mayor?

- Yes No

Voter 1

State

Governor (1) _____

Secretary of State (1) _____

Attorney General (1) _____

Congressional

United States Senator (1) _____

Rep in Congress (1) _____

Legislative

State Senator (1) _____

Rep. in State (1) _____

State Boards

Member, State Board of Education (2) _____

Regent, University of Michigan (2) _____

Trustee, Michigan State University (2) _____

Governor, Wayne State University (2) _____

County

County Commissioner (1) _____

Judicial

Justice, Supreme Court (2) _____

Justice, Supreme Court Incumbent (1) _____

Judge, Court of Appeals Incumbent (3) _____

Judge, Circuit Court Incumbent (1) _____

Judge, Probate Court Non-Incumbent (1) _____

Judge, Probate Court Incumbent (1) _____

Judge, District Court Incumbent (3) _____

Community College

Board of Trustees (2) _____

Local School District

Board Member (3) _____

Board Member-Partial Term (1) _____

District Library

Board Member (3) _____

State Proposals

Proposal 14-1 Yes No

Proposal 14-2 Yes No

City Proposals

Proposal 1 Yes No

Proposal 2 Yes No

Proposal 3 Yes No

Proposal 4 Yes No

Proposal 5 Yes No

Voter 2

State

Governor (1) _____

Secretary of State (1) _____

Attorney General (1) _____

Congressional

United States Senator (1) _____

Rep in Congress (1) _____

Legislative

State Senator (1) _____

Rep. in State (1) _____

State Boards

Member, State Board of Education (2) _____

Regent, University of Michigan (2) _____

Trustee, Michigan State University (2) _____

Governor, Wayne State University (2) _____

County

County Commissioner (1) _____

Judicial

Justice, Supreme Court (2) _____

Justice, Supreme Court Incumbent (1) _____

Judge, Court of Appeals Incumbent (3) _____

Judge, Circuit Court Incumbent (1) _____

Judge, Probate Court Non-Incumbent (1) _____

Judge, Probate Court Incumbent (1) _____

Judge, District Court Incumbent (3) _____

Community College

Board of Trustees (2) _____

Local School District

Board Member (3) _____

Board Member-Partial Term (1) _____

District Library

Board Member (3) _____

State Proposals

Proposal 14-1 Yes No

Proposal 14-2 Yes No

City Proposals

Proposal 1 Yes No

Proposal 2 Yes No

Proposal 3 Yes No

Proposal 4 Yes No

Proposal 5 Yes No

Follow these Tips for Shorter Lines at the Polls!

Prepare to Vote

Thoroughly read your sample ballot and all proposal language on pages 2-4 of this official sample ballot.

Note your preferences on the form on page 5. While campaign material is not allowed at the polls, you are permitted to take your own notes into the voting booth and use them discreetly.

Find Your Polling Location

The name and address of your polling location can be found on your voter identification card, as pictured below. If you have misplaced your voter identification card, you can find your polling location information at www.michigan.gov/vote or call (269) 337-8793.

Voter Identification

Michigan law requires election workers to ask each voter for a form of

government-issued photo identification. If a voter does not possess photo identification, election inspectors will offer the voter an affidavit, and the balloting process will continue.

Lines at the Polls

We anticipate a high number of voters for this gubernatorial election. You can help keep lines short by bringing photo identification and being prepared with your selections before you go to the polls.

Polls are open from 7:00 a.m. - 8:00 p.m., but voting between the hours of 9:00 - 11:00 a.m. or 1:00 - 4:00 p.m. may minimize wait time. Voters showing up before and after work or at lunch time will see the longest lines.

If you are over the age of 60 or disabled, consider voting absentee ballot as an option for you. See below for more information.

Absentee Ballots

Absentee voter ballots are available for voters who meet the following criteria:

- Over 60 years old *or*
- Expects to be absent from the community *or*
- Physically unable to attend the polls *or*
- Cannot attend the polls due to the tenets of your religion *or*
- Election precinct inspectors who work in precincts other than where they reside *or*
- Confined to jail awaiting arraignment or trial.

Call (269) 337-8793 as soon as possible to request an absentee ballot application.

Campaigning at the Polls

Campaigning is prohibited within 100 feet of the polling location. This includes wearing t-shirts, buttons, and caps, so please leave those at home.

KALAMAZOO CITY
241 W SOUTH ST RM 104
KALAMAZOO MI 49007

OFFICIAL ELECTION MAIL
As authorized by the U.S. Postal Service

NONPROFIT ORGANIZATION
U.S. POSTAGE PAID
KALAMAZOO, MI
PERMIT NO. 976

RETURN SERVICE REQUESTED

VOTER IDENTIFICATION CARD

City: KALAMAZOO CITY
County: KALAMAZOO
Precinct: 019 Date: 10/17/2008

Listed below are the various districts in which you reside

US Congressional: 06
State Senate: 20
State Rep.: 060
County Comm: 07
School District: KALAMAZOO PUBLIC SCHOOLS

Polling Location:
S HIGHTS CRIS REF CHU
4141 E. HILLANDALE

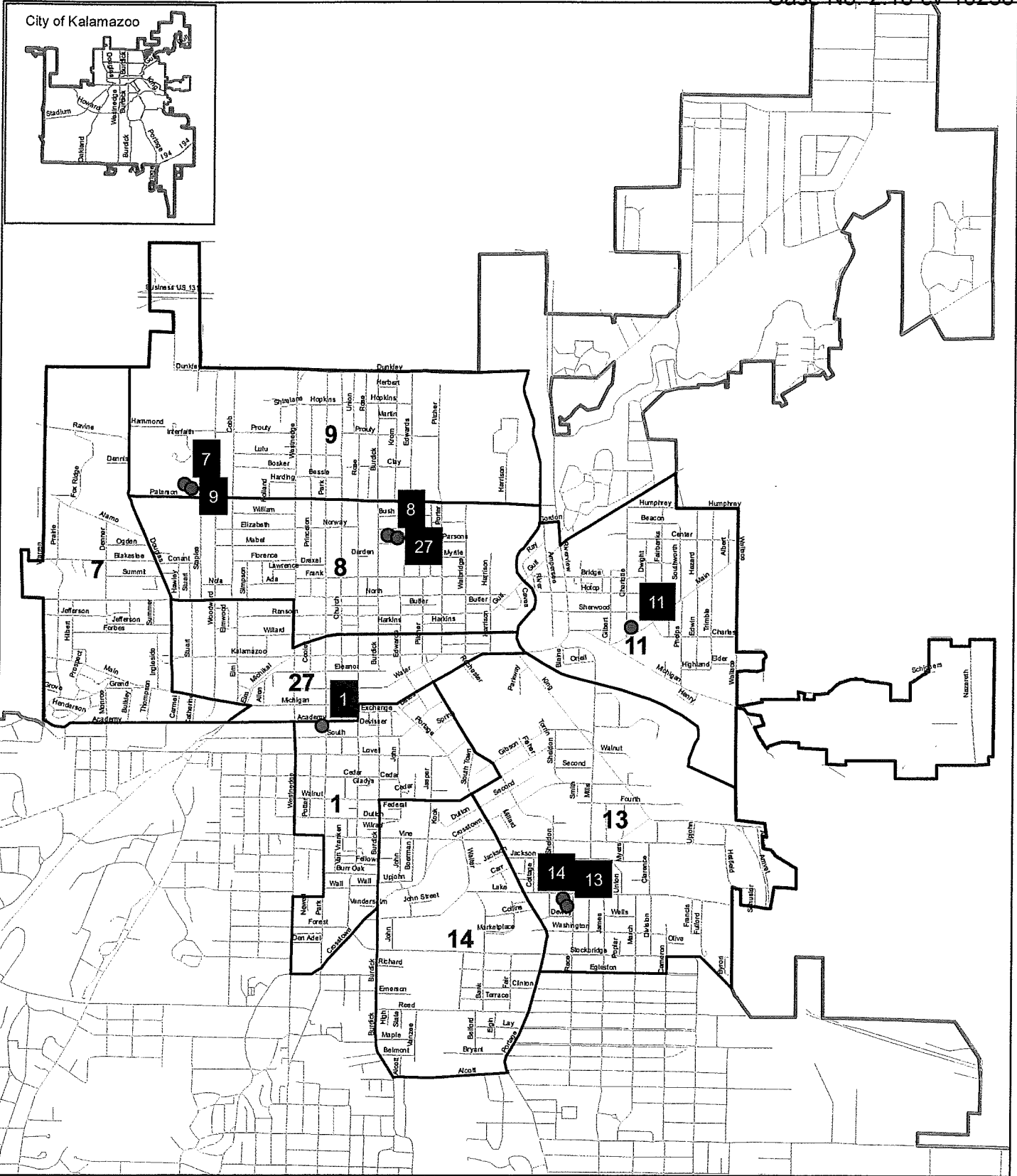
The above polling location applies to ALL Federal, State, Municipal AND School District Elections.

MAIL TO
JOHN Q. VOTER
123 ANY STREET
KALAMAZOO MI 49001

SIGNATURE OF VOTER

VOTER: DETACH ALL PERFS

Check your voter registration status at www.michigan.gov/vote



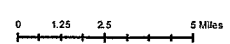
The maps from the City of Kalamazoo's GIS are not at survey accuracy. The City of Kalamazoo assumes no legal liability for the information contained on these maps.

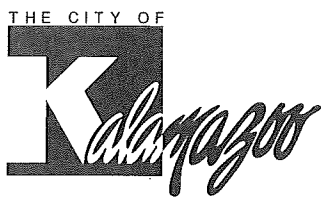
Print Date: September 2012

City of Kalamazoo Polling Locations

Legend

- City Voting Precinct Boundaries
- Street
- Polling Locations
- Precinct 1 - 212 S. Park
- Precinct 7 - 1000 W. Paterson
- Precinct 8 - 120 Roberson
- Precinct 9 - 1000 W. Paterson
- Precinct 11 - 1301 E. Main
- Precinct 13 - 630 Lake
- Precinct 14 - 930 Lake
- Precinct 27 - 120 Roberson



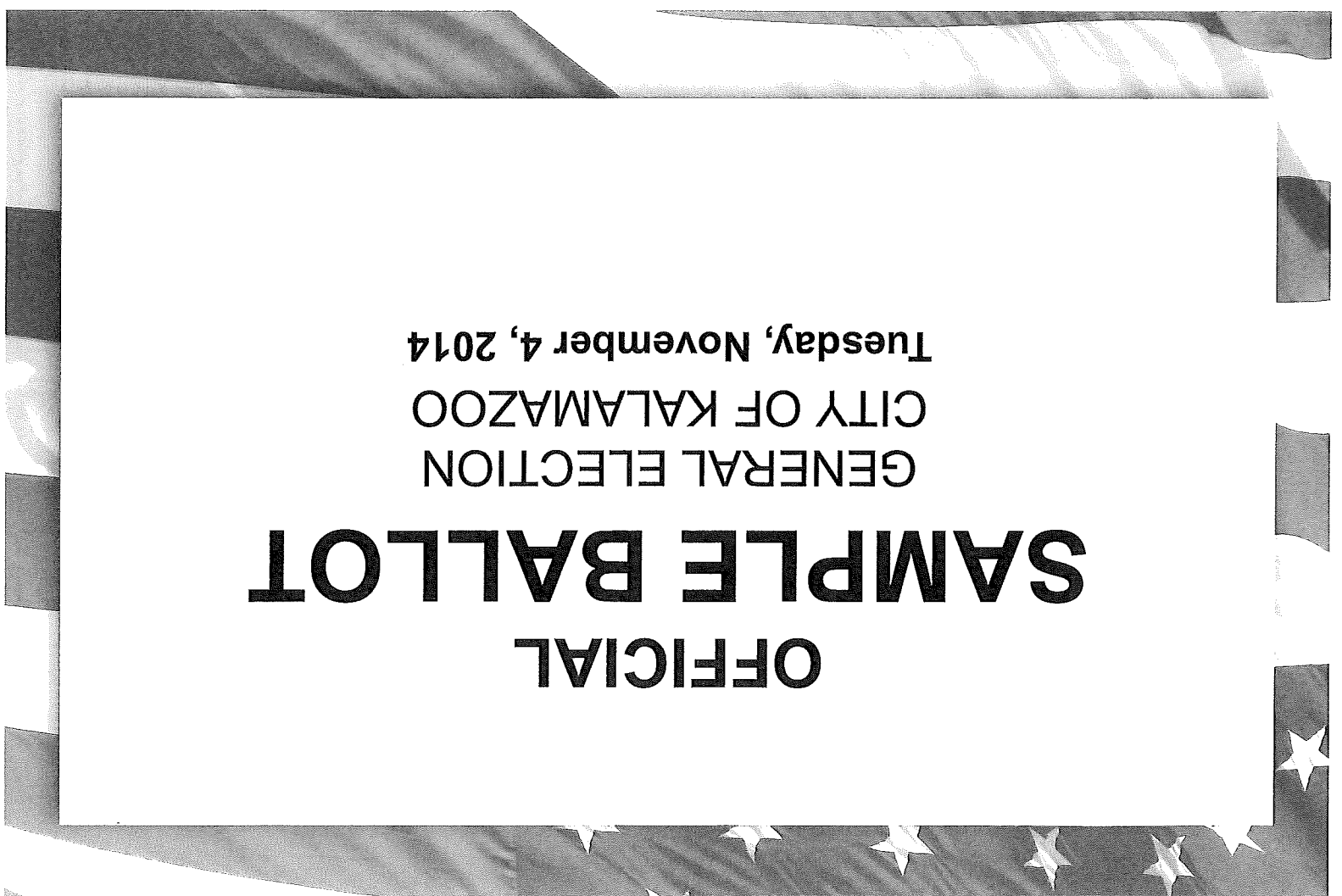


Clerk's Office
Elections Division
241 West South Street
Kalamazoo, Michigan 49007

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PAID
Kalamazoo, MI
Permit No. 976

Be an informed voter!

3TY1KPS



OFFICIAL
SAMPLE BALLOT
GENERAL ELECTION
CITY OF KALAMAZOO
Tuesday, November 4, 2014

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT TAYLOR, Mayor, City of Roseville;
DOUGLAS R. ALEXANDER, City Manager,
City of Algonac; MATTHEW BIERLEIN,
County Commissioner, Tuscola County;
DONALD LYONS, Mayor, City of Dowagiac;
TODD R. ROBINSON, Superintendent, New Haven
Community Schools; RUSSELL
PICKELL, Superintendent, Riverview
Community Schools; KELLY COFFIN,
Superintendent, Tecumseh Public Schools;
KIMBERLY AMSTUTZ-WILD, School Board
President, Tecumseh Public Schools; KEITH
WUNDERLICH, Superintendent, Waterford
School District; ROBERT SEETERLIN, School
Board President, Waterford School District;
MICHELLE IMBRUNONE, Superintendent,
Goodrich Area Schools; DAVID P. PRAY,
Superintendent, Clinton Community Schools;
PATRICIA MURPHY-ALDERMAN,
Superintendent, Bryon Area Schools; AMY
LAWRENCE, School Board President, Byron
Area Schools; AMY LAWRENCE, School
Board President, Byron Area Schools; ROBERT
D. LIVERNOIS, Superintendent, Warren
Consolidated School District; YVONNE
CAAMAL CANUL, Superintendent, Lansing
School District; in their individual and official
capacities; and STEPHEN PURCHASE, in his
individual capacity,

Plaintiffs,

v

RUTH JOHNSON, in her official capacity as
Secretary of the State of Michigan; and the
STATE OF MICHIGAN,

Defendants.

No. 2:16-cv-10256

HON. JOHN CORBETT
O'MEARA

MAG. R. STEVEN
WHALEN

Scott R. Eldridge (P66452)
Michael J. Hodge (P25146)
Attorneys for Plaintiffs
One Michigan Avenue
Lansing, Michigan 48933

Jerome R. Watson (P27082)
Brian M. Schwartz (P69018)
Attorneys for Plaintiffs
150 West Jefferson, Ste 2500
Detroit, Michigan 48226
313.963.6420

Denise C. Barton (P41535)
Joseph Y. Ho (P77390)
Assistant Attorneys General
Attorneys for Defendants
P.O. Box 30736
Lansing, Michigan 48909
517.373.6434

Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Dykema Gossett PLLC
Attorneys for Proposed Amicus Curiae
201 Townsend Street, Suite 900
Lansing, MI 48933
(517) 374-9133
ggordon@dykema.com
jhanselman@dykema.com

DECLARATON OF TIMOTHY K. MCGUIRE IN SUPPORT OF AMICUS BRIEF

I, Timothy K. McGuire, declare as follows:

1. I am the Executive Director of the Michigan Association of Counties ("MAC").
2. MAC is a nonpartisan, nonprofit organization that advances education, communication and cooperation among county government officials in Michigan and is the counties' voice at the state and federal level, providing legislative support on key issues affecting counties.
3. The MAC urged the Governor to Veto Act 269 because of the adverse impact Section 57(3) will have on communications with voters by government officials within 60 days of an election.

4. Counties often place complex issues on the ballot including whether certain programs should be funded, millage renewals, charter changes, annexation issues and other complex issues that require neutral, factual, non-biased information to be provided.

5. Often government is in the best position—and on occasion—the only entity that is in a position to provide a complete explanation of these issues. Section 57(3) makes it a crime for government to inform its citizens of these vital issues within 60 days of an election through mass communications.

6. Section 57(3) therefore may act to censor information that may be provided to the electorate which is exactly the opposite of the needs of a democratic process.

7. Section 57(3) is unclear as to what activities may constitute criminal activity. For example, at a routinely televised County Commission meeting within 60 days of an election, will a member be subject to criminal penalties if he/she responds to a constituent's question regarding an issue pending on the ballot? One section of the Act appears to allow such communication, but the new amendment appears to make it a crime.

8. Additionally, Section 57(3), if read literally, may place public officials in the position of acting as censors of information if during a comment period at a televised public meeting within 60 days of the election, a member of the public provides information regarding issues appearing on the ballot.

9. Public officials should not have to speculate as to what activity may or may not subject them to criminal charges.

I, Timothy K. McGuire, declare and certify that I have read the foregoing Declaration and know its contents. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 1st day of February, 2016



Timothy K. McGuire

DRAFT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT TAYLOR, Mayor, City of Roseville;
DOUGLAS R. ALEXANDER, City Manager,
City of Algonac; MATTHEW BIERLEIN,
County Commissioner, Tuscola County;
DONALD LYONS, Mayor, City of Dowagiac;
TODD R. ROBINSON, Superintendent, New Haven
Community Schools; RUSSELL
PICKELL, Superintendent, Riverview
Community Schools; KELLY COFFIN,
Superintendent, Tecumseh Public Schools;
KIMBERLY AMSTUTZ-WILD, School Board
President, Tecumseh Public Schools; KEITH
WUNDERLICH, Superintendent, Waterford
School District; ROBERT SEETERLIN, School
Board President, Waterford School District;
MICHELLE IMBRUNONE, Superintendent,
Goodrich Area Schools; DAVID P. PRAY,
Superintendent, Clinton Community Schools;
PATRICIA MURPHY-ALDERMAN,
Superintendent, Bryon Area Schools; AMY
LAWRENCE, School Board President, Byron
Area Schools; AMY LAWRENCE, School
Board President, Byron Area Schools; ROBERT
D. LIVERNOIS, Superintendent, Warren
Consolidated School District; YVONNE
CAAMAL CANUL, Superintendent, Lansing
School District; in their individual and official
capacities; and STEPHEN PURCHASE, in his
individual capacity,

Plaintiffs,

v

RUTH JOHNSON, in her official capacity as
Secretary of the State of Michigan; and the
STATE OF MICHIGAN,

Defendants.

_____ /

No. 2:16-cv-10256

HON. JOHN CORBETT
O'MEARA

MAG. R. STEVEN
WHALEN

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Michael J. Hodge (P25146)
Attorneys for Plaintiffs
One Michigan Avenue
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Jerome R. Watson (P27082)
Brian M. Schwartz (P69018)
Attorneys for Plaintiffs
150 West Jefferson, Ste 2500
Detroit, Michigan 48226
313.963.6420

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P.O. Box 30736
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Dykema Gossett PLLC
Attorneys for Proposed Amicus Curiae
Michigan Municipal League
201 Townsend Street, Suite 900
Lansing, MI 48933
(517) 374-9133
ggordon@dykema.com
jhanselman@dykema.com

DECLARATON OF G. LAWRENCE MERRILL IN SUPPORT OF AMICUS BRIEF

I, G. Lawrence Merrill, declare as follows:

1. I am the Executive Director of the Michigan Townships Association (“MTA”).
2. The MTA is a non-profit corporation that represents the interest of 1,240 local units of government that govern over 96% of Michigan’s land area.
3. The MTA provides educational services, publications, educational workshops and online learning opportunities to its members as well as advocating on their behalf on legislative issues.
4. MTA opposed Section 57(3) of the Amended Law that is the subject of this lawsuit and urged the Governor to veto the law for the reason that the prohibition on

certain communications within 60 days of an election will serve to deprive voters of factual information on issues including those related to local millage proposals, zoning referendums, annexation issues, proposals to reinstate annual meeting, incorporation as a Charter Township, establishment of a parks commission, establishment of a public library, and referendums on issuing revenue bonds.

5. Many of the issues appearing on Township election ballots are quite complex and require explanation, especially during the 60 days prior to an election when voters focus on the issues, through mass communications such as cable television, broadcast of township board meetings, and distribution of factual information through the mail.

6. Attached is an example of information that has been distributed within the 60 day time period to help explain the issues in a factual non-biased manner with regard to a local ballot question (See attached Delhi Charter Township newsletter). This is the type of publication that is banned by Section 57(3) and for which criminal penalties are imposed.

7. Section 57(3) appears to also subject individual township elected officials, appointed board members, and others to criminal penalties if they discuss local ballot issues at regularly scheduled township board meetings, zoning board meetings, or any other meetings that may be routinely broadcast by local cable television services as is common in many townships.

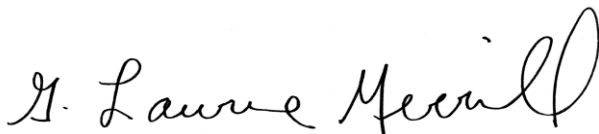
8. It is not clear exactly what activities of elected officials and others will be prohibited or subject to criminal penalties and also based on the extreme importance of communication with constituents and voters on issues of public concern pending on

ballots in the time period before an election, the MTA has called for an immediate amendment of Section 57(3).

9. For example, at a routinely televised Township Board meeting within 60 days of an election, will a member be subject to criminal penalties if he/she responds to a constituent's question regarding an issue pending on the ballot? One section of the Act appears to allow such communication, but the new amendment appears to make it a crime.

I, G. Lawrence Merrill, declare and certify that I have read the foregoing Declaration and know its contents. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2nd day of February, 2016



G. Lawrence Merrill

delhi neighbor!

News & Tips You Can Use from Delhi Charter Township

VOLUME 3, #1 • SUMMER, 2010

Fire, EMS and Police: Delhi Township Ballot Proposal

In 1990 Delhi Township contracted with Ingham County and the Ingham County Sheriff for the police services of seventeen (17) sworn deputies to protect a population of 19,190. We increased the number of sworn deputies from eighteen (18) to twenty-one (21) in 1999 due to an increase in population which peaked at over 25,000 in 2007. However, due to declining revenues we have reduced that number back down to eighteen (18) sworn deputies in 2010 to save over \$330,000 annually. By contracting with the Ingham County Sheriff we are able to provide police services at a low cost of \$104.16 per capita while the area average is approximately \$163 per capita (based on 2008 audited figures).

In 2003 Delhi Township transitioned from a part-time to a full-time fire/EMS department to provide the personnel needed to respond timely to the increase in fire/incident and EMS calls. While the cost of operating the department increased due to this transition, Delhi Township strives to provide quality fire/EMS services at a minimal cost of \$85.58 per capita which is the lowest in the area averaging at approximately \$161 per capita (based on 2008 audited figures) for full-time departments.

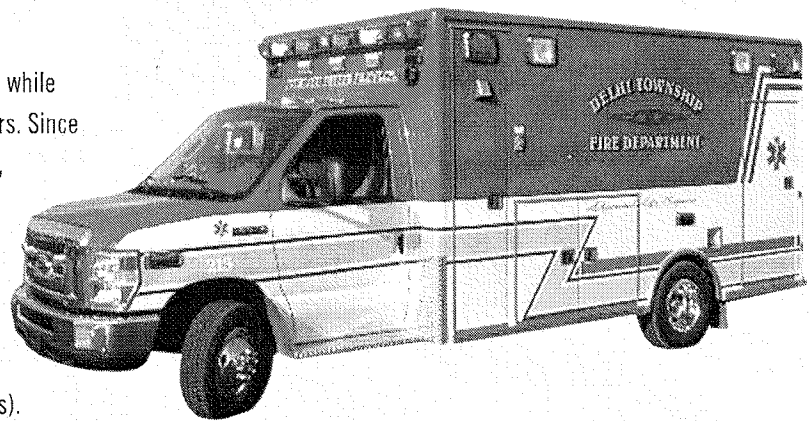
In 2003 and subsequent years, Board members have discussed the need for a millage to fund the increasing costs for both fire/EMS and police services and chose the option of using Fund Balance to support those services as long as possible.

Since 2003 we have used over \$2,115,036 from Fund Balance while continuing to secure grant monies to stretch our limited dollars. Since 2000 we have secured over \$1.5 million in grants. In addition, we have decreased overall Township expenditures by :

- 1) Eliminating 12 full-time positions since 2003 from seven departments, including 3 police officers (over \$1.5 million saved).
- 2) Forfeiting all 2010 wage increases (\$100,000/year savings).

- 3) Transitioning from a traditional health care plan to a high-deductible/health savings plan in 2008 which will save over \$100,000 annually by the fiscal year 2011.
- 4) Eliminating employer-provided retiree health care effective in 2010 for all new hires, and
- 5) Postponing Capital Improvement expenditures (over \$500,000 saved).

We are coming to the end of using Fund Balance and the continued decrease in expenditures will not be sufficient to fund our current level of police protection or a full-time fire/EMS department in 2011. Exhausting our Fund Balance along with declining revenues from State Revenue Sharing and declining property taxes have led the Board to place ballot proposals of 1.5 mills for fire/EMS and 1.5 mills for police to close the gap in order to maintain the current level of services and the high quality of life residents have come to expect. These millage proposals will each add \$112.50 to the typical home valued at \$150,000. However, their actual cost for each will be less than \$100 due to the expiration of the debt millage on town hall in 2011.



Holt Community Food Bank Helps Our Neighbors

Hunger isn't a problem that only happens "somewhere else."

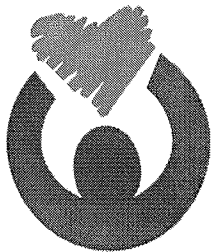
The Holt Community Food Bank serves an average of 150-200 families each month. And even with a 38% increase in the number of clients served in the past year, the Food Bank has been able to continue providing for them—thanks to the generosity of the community.

Staffed entirely by volunteers, the Food Bank is funded by community donations from individuals, businesses and organizations, and grants. It also receives strong support from local food stores.

Nearly 20 local businesses have agreed to place donation canisters in their establishments. Since all other monetary donations go directly to food purchases, the canister money allows the Food Bank to purchase basic personal care items—such as toothbrushes, toothpaste, shampoo and soap—for clients.

How you can help

- Drop some extra money in the canisters at local businesses, or donate online at www.holtfoodbank.org
- Donate food. Food donations can be dropped off at Kroger (corner of Willoughby & Cedar) and L & L (S. Cedar).
- Donate your time. Volunteers are always needed, whether you can give just a little time or a lot. To find out more, call 694-9307.

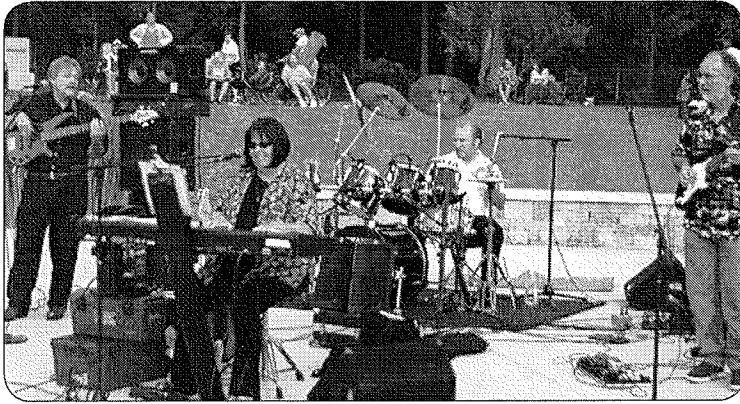


HOLT COMMUNITY
food bank

Holt/Delhi Calendar of Events

- ▶ **July 22 – Pre-Concert BBQ at the Farmers' Market** - 4:00 p.m.- 6:30 p.m. BBQ Dinner at the Farmers Market before "Music in the Garden".
- ▶ **July 22 – Music in the Garden** – 7:00 p.m., Veterans Memorial Gardens (VMG), Blue Coyote Band
- ▶ **July 29 – Pre-Concert BBQ at the Farmers' Market** - 4:00 p.m.- 6:30p.m. Dinner at the Farmers' Market before heading to "Music in the Garden"
- ▶ **July 29 – Music in the Garden** – 7:00 p.m., VMG, Sunny Wilkinson and Ron Newman Jazz Band
- ▶ **August 2-13 – Youth Soccer and Flag Football Registration** begins (Registration form available at delhitownshi.com or the Parks & Rec. Dept.)
- ▶ **August 3 – Election Day** – Primary. Polls are open 7:00 a.m.- 8:00 p.m. Visit the township web site for polling locations, and election information
- ▶ **August 3 – Ingham County Sheriff's Office/Delhi Division National Night Out/Neighborhood Watch Party** – 6:00 p.m. to 9:00 p.m., VMG
- ▶ **August 5 – Holt Community Arts Council 3rd Annual Community Cookout**, 4:00 p.m. - 6:30 p.m., Holt Farmers' Market (concert follows, 7:00 p.m. at VMG).
- ▶ **August 5 – Music in the Garden** – 7:00 p.m., VMG, Sea Cruisers
- ▶ **August 6 – Moonlight Movie** – 9:00 p.m. (or dark), VMG, title TBA
- ▶ **August 12 – Pre-Concert BBQ at the Farmers' Market** - 4:00 p.m. - 6:30 p.m. BBQ Dinner at the Farmers Market before "Music in the Garden"
- ▶ **August 12 – Music in the Garden** – 7:00 p.m., VMG, Those Delta Rhythm Kings
- ▶ **August 13 – Moonlight Movie** – 9:00 p.m. (or dark), VMG, title TBA
- ▶ **August 20 – Moonlight Movie** – 9:00 p.m. (or dark), VMG, title TBA
- ▶ **August 27-28 – Holt Hometown Festival**. Visit www.holtfestival.com for schedule of events
- ▶ **September 8 – Punt, Pass and Kick Competition** – 5:00 p.m. FREE, pre-registration required. Call Parks & Rec. Dept. at 694-1549 to register.
- ▶ **September 10 – Holt Education Foundation Annual Cookout**, 5:00-7:00 p.m., Holt High School — Holt vs. East Lansing
- ▶ **September 13-24 – Youth Floor Hockey Registration** begins. (Registration form available at delhitownshi.com or the Parks & Rec. Dept.)
- ▶ **October 2 – Friends of the Library Used Book Sale** – 10:00 a.m. to 2:00 p.m.
- ▶ **October 4 – Last Day to Register to Vote** for the November general election

Music in the Garden 2010...



The Holt Community Arts Council announces its 3rd annual Music in the Garden concert series. The free, family friendly concerts will take place in July and August at Veterans Memorial Garden Amphitheatre in Holt. Not only has Music in the Garden been a tremendous success—it's already become a beloved and much-anticipated summer tradition in Holt.

Mark your calendars now. All concerts are from 7 p.m. to 9 p.m.

July 22 - Blue Coyote Band

These talented Lansing musicians will entertain you with Top 40 country and new original songs. They have opened for Tim McGraw, Travis Tritt and LeAnne Rimes, among others.

July 29 - Sunny Wilkinson and Ron Newman Jazz Band

Sunny Wilkinson and Ron Newman are local jazz legends. Vocalist Sunny Wilkinson performs regularly at jazz festivals and clubs across the country. She has sung with the Count Basie Band, Rob McConnell, and the Boss Brass.

August 5 - Sea Cruisers

For more than 25 years, the Sea Cruisers have been performing music from the 1950s, 1960s, and 1970s. Their unique take on rock 'n' roll makes them a local favorite.

August 12 - Those Delta Rhythm Kings

Focusing on jump blues and the little big band sound of the 1940s and beyond, the Kings play the music of legends like T-Bone Walker, Roy Brown, and B.B. King along with original compositions and modern classics.

We hope to see you there! For more information about the concerts or the Holt Community Arts Council, visit holtarts.org.

...and Moonlight Movies, too!

We're pleased to announce that Friday night Moonlight Movies are also returning to Veterans Memorial Gardens in August. All will be family-friendly—and, yes, free! The movies will be August 6, 13 and 20 and begin at dusk.

H.O.L.T. Scholarship Provides Free LCC Tuition

Advanced education may make the difference between success and struggle in life. Yet kids who are already "at risk" are more likely not to complete high school, let alone go on to college.

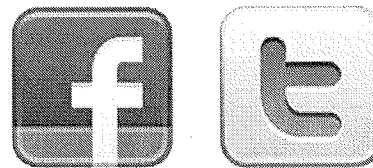
The H.O.L.T. Scholarship Program is designed to help these students stay in school, and to remove some of the financial obstacles to an advanced education.

A collaboration between Delhi Charter Township and Holt Public Schools officials and supported by donors, the H.O.L.T. Scholarship Program provides eligible students two years' free tuition at Lansing Community College. Here's how it works:

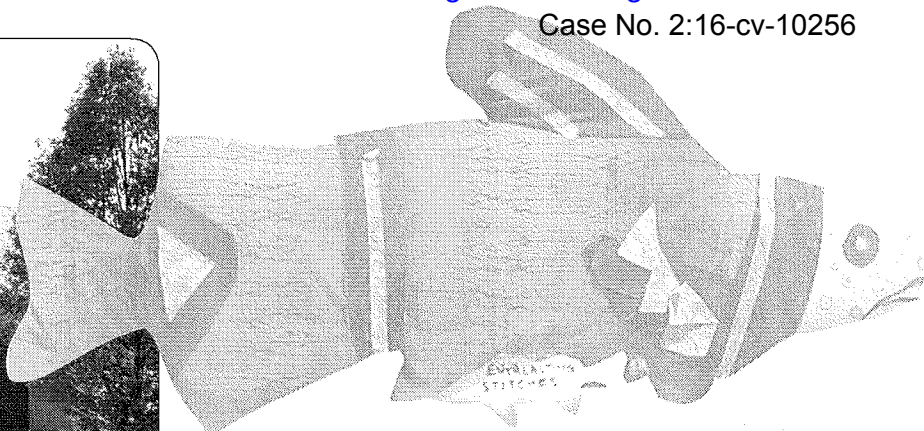
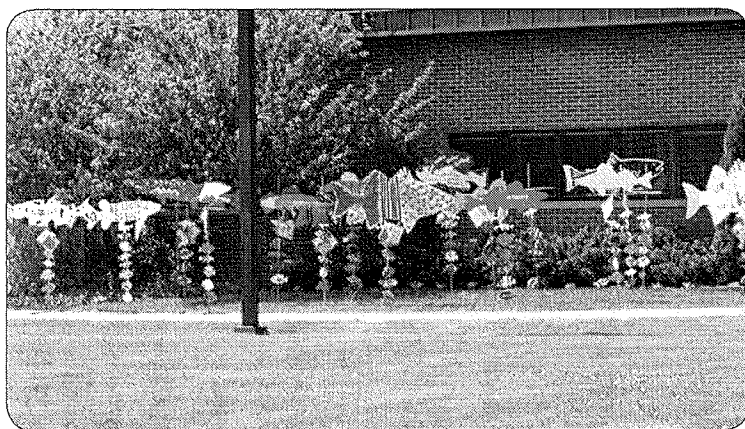
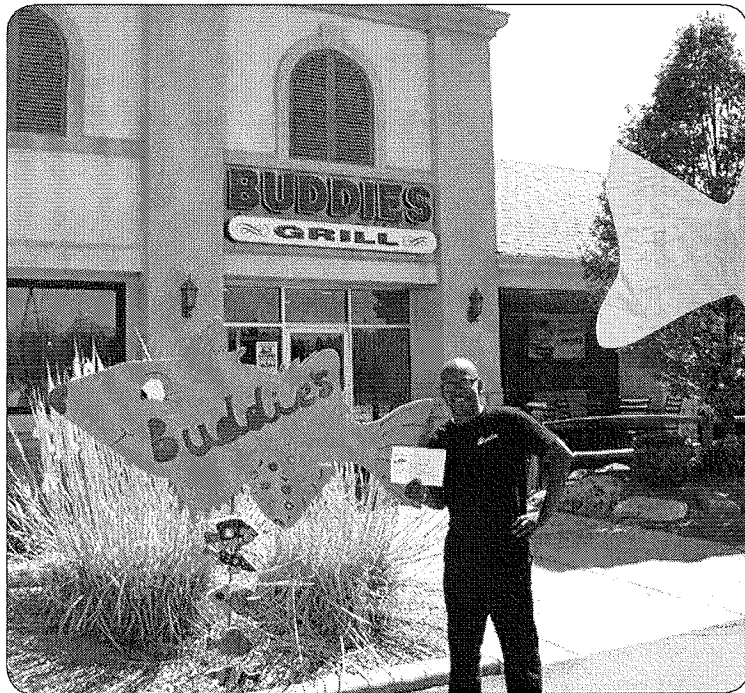
- Student eligibility is based on specific criteria for at-risk students
- Students are initiated in the fall of 7th grade
- Students and parents sign a contract agreeing to the requirements and responsibilities of the program
- Students promise to graduate from Holt High School in exchange for two years of free tuition at Lansing Community College

You can help! Your gift to the H.O.L.T. Scholarship is tax-deductible, and contributing offers you the maximum tax advantage for most gifts under federal law, and through the Michigan Tax Credit. For more information about the H.O.L.T. Scholarship, call (877) 840-HOLT or visit HoltHelps.org.

Stay Connected with Delhi Township



Now it's easier than ever to connect with Delhi Township. Join us on Facebook and follow us on Twitter to stay up to date on Township news and events. If you'd like to be quickly notified by text message of area emergencies and other important information—for example, an unexpected road closure or a public safety alert—you may now subscribe to the Delhi Township Nixle site. There is no cost for this service. Any interested Delhi Township resident may subscribe by going to nixle.com.



Did You See the Paint Job on That Fish?

There was something a little fishy about the way the Delhi POTW promoted their spring open house. Armed with wooden fish shapes and a large helping of fun, the POTW invited businesses to participate in a fish painting activity. The creative competition was designed to promote the open house and show support for the POTW's efforts to improve water quality.

The 18 participating businesses were instructed to paint their fish in any way they wished, then display them at their place of business. POTW also supplied the businesses with informational flyers to give to customers.

The painted fish were displayed at the water treatment plant on open house day, and attendees voted for their favorite. Quality Dairy's fish garnered the most votes, with second place going to Everlasting Stitches and third to Buddies Grill.

The winners received "Delhi Bucks" to be redeemed at the Holt Farmers' Market.

CLOCKWISE FROM LOWER LEFT:

Krystal Rademacher of Quality Dairy won 1st place with her "Cow Fish;" the 18 entries for the 2010 POTW fish painting contest; Brandon Henderson of Buddies Grill with his 3rd place winner; 2nd place winner by Pamela Henrys of Everlasting Stitches.

Placemaking & Economic Development in Delhi Twp.



Delhi Charter Township Community Recreation Plan 2010-2015

When we were kids, we played simply because it was fun. But as a society, we are increasingly aware that open space and recreation provide physical and psychological benefits at every stage of life.

The Delhi Township Parks & Recreation Department's primary goal is to promote these benefits for our residents' well-being, providing them with opportunities to further healthy lifestyles and improve their quality of life.

Businesses are also drawn to communities where their employees can enjoy quality lifestyles. This grows the local economy, which in turn helps make the goal of quality lifestyles sustainable. Thus it's important to plan for the future parks and recreation needs of Delhi Township—to ensure that we can continue to provide the availability of open space and recreational opportunities.

To address these issues and opportunities and guide the decision-making process, the Parks Commission recently adopted the Delhi Charter Township Community Recreation Plan 2010-2015. This plan will enable the Parks & Recreation Department to provide the programs and facilities necessary to sustain the quality of life our residents have come to expect. The plan inventories existing parks and recreation programs, as well as projected needs for neighborhood parks, supporting facilities, trailway/greenway systems, and recreation programs for 2010-2015. Community support for the implementation of this plan is vital in our efforts toward creating a "sense of place," making Delhi Township a place where people want to live, work and play.

For further information on the Delhi Charter Township Community Recreation Plan 2010-2015, visit the township web site at www.delhitownship.com.

The Lansing Economic Area Partnership, Inc. (LEAP) serves as the "front door" to our region for economic development and provides a number of services and initiatives related to business growth and regional stability. In 2009 LEAP, in partnership with the Land Policy Institute at Michigan State University, lead the preparation of a 10-year regional strategic plan. This plan creates a road map to improve the region and secure prosperity by attracting and retaining talented employees, supporting business and entrepreneurship and creating a sense of place, among other things.

This road map is important to Delhi Township because it supports our efforts to create a sense of place within the community and explains why having a quality community is vitally important. In fact, research conducted by the Land Policy Institute at MSU has found that "placemaking" is so important to economic success that without it, no community or region can thrive.

So, what is placemaking? It's hard to define or quantify, but basically it can be summarized by the idea of putting people first. This includes creating and maintaining quality public places such as libraries and parks, providing superior public services such as infrastructure, police/fire service and accessible government, good sidewalks and pedestrian amenities, excellent schools and opportunities for people to interact, just to name a few. These are all things that Delhi Township currently does well, but now is not the time when we can sit back and rest. We must continue to ensure that our current assets are protected and that new placemaking attributes are incorporated into the community.

Delhi Township's economic development policy is based on the concept of placemaking to ensure that Delhi Township remains a place that people want to live, work and do business. By consistently reaching for this goal in everything we do, economic recovery and stability will be achieved. With this in mind, we will all continue to embrace our community, protect what we currently have and build upon our sense of place.

For more detailed information on placemaking, visit: www.landpolicy.msu.edu, view the Plan for Regional Prosperity at: www.greaterlansingnext.com

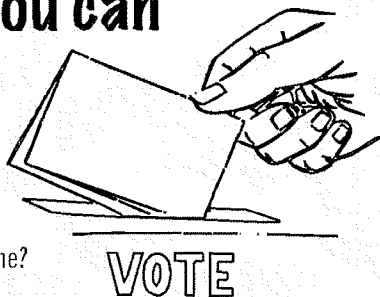


The Second Generation of POTW Natural Lawn Care Has Arrived!

Delhi Township POTW welcomes the offspring of the sheep purchased last year to "mow" the property.



Did you know you can vote absentee?



Going to be out of town? Physically
unable to get to the polls or stand in line?
Are you 60 years of age or more?

If you have any doubt about making it to the polls for the August 3, 2010 primary or the November 2, 2010 general election, call the Clerk's office at 694-2135, or email clerk@delhitownship.com for an absentee ballot application. But please act now. And you can track your absentee ballot online! Visit www.delhitownship.com to see that we received your ballot.

Avoid the line. Avoid the pressure. Take your time and vote at home!

Fall Sports Registration

Registration begins soon for Delhi Township's fall sports programs:

- ✓ Adult softball
- ✓ Youth soccer
- ✓ Youth flag football
- ✓ Youth floor hockey

Visit delhitownship.com for registration dates. You may register at the Delhi Township Parks & Recreation office, 2074 Aurelius Road. Youth sports programs are open to all students (subject to age requirements) living in Delhi Township and/or the Holt Public School District.





Old Electronics, Laundry Jugs Will Help Gill

Have old cell phones, MP3 players and computer equipment that you don't know how to dispose of? Here's a way to recycle them and help give Holt's famous Gill a facelift. (If you don't have old electronics, read on—we need laundry jugs too!)

- Gather the old electronics (cell phones, MP3 players, dvd players, etc.) you want to recycle. Go to www.delhitownship.com to indicate what you have to recycle and get a free postage paid box.
- Once your box arrives, mail your electronics in the postage paid box.
- Proceeds from the value of the electronics will be used to build "Gill-again," the newly refurbished version of our favorite finned buddy, and to support the Delhi Charter Township Recycling Center.

Holt's favorite fish on four wheels was developed by the Delhi Charter Township Public Services Department to promote recycling awareness. In collaboration with the Holt Community Arts Council, this temporary sculpture—a colorful, three-dimensional bluegill—came to life at the 2008 Water Quality Awareness Week open house held at the Delhi Township Recycling Center. Open house visitors helped attach approximately 2,500 empty laundry detergent bottles to a pre-built frame 25 feet long and 15 feet high.

Now, Gill is two years old—still as popular as ever and with a growing facebook fan page, but starting to show his age. You can help re-build him as "Gill-again"! Drop off your empty laundry jugs at the Delhi Charter Township Recycling Center (south of the POTW so Gill can get some new scales. Just put your jug in the box for the corresponding color.

Gill was a winner in the recent Tri-County Waste Reduction Awards Program. The mission of WRAP is to publicly acknowledge residents, businesses, governments, educational institutions and non-profit organizations in Ingham, Eaton and Clinton Counties that have exemplary waste reduction and recycling practices and encourage others in the community to increase their efforts to reduce, reuse and recycle.

Happy Trails

Delhi non-motorized pathway progresses

Soon Delhi Township residents will be able to walk, ride or run on paved trails all the way from Mason to Michigan State University and all points in between!

Delhi Township has completed construction of the first segment of its non-motorized pathway system. This segment stretches between Holt and Willoughby Roads, running through Valhalla Park. A second segment currently exists on Cedar Street from Dallas Avenue to Holbrook Drive. This summer a road crossing will be constructed to take the trail to the north side of Willoughby Road.

In addition, the Township is currently pursuing grant funding that would allow for the construction of an additional trail segment north from I-96 to the Lansing River Trail at Jolly Road. Plans are also underway for additional trail construction in 2011 and 2012 which, once completed, would connect all the trail segments to create a contiguous pathway from Jolly Road to Holt Road.

The current pathways have been very popular with residents, especially the segment through Valhalla Park which winds through the woods and along the lake. If you have not been out on the trail, make a point to do so and enjoy our community from a scenic new perspective!



delhi neighbor!

Delhi Charter Township
2074 Aurelius Road
Holt, MI 48842

News & Tips You Can Use from Delhi Charter Township - www.delhitownship.com

Holt Hometown Festival is August 28

Join in the fun of celebrating our hometown! The 12th annual Holt Hometown Festival is Saturday, August 28, but warms up on Friday night with Family Night activities and a softball tournament.

Saturday features the big parade, kids' activities, vendors, events and entertainment. There will also be activities at the Farmers' Market and Sam Corey Senior Center throughout the day. And, of course, there's the spectacular fireworks finale at dusk. There's truly something for everyone to enjoy. And it's all free!

For more information, visit holtfestival.com.

Delhi Township Board

Stuart Goodrich, Supervisor

Evan Hope, CMC, Clerk

Harry Ammon, CPFA, Treasurer

John Hayhoe, Trustee

Jerry Ketchum, Trustee

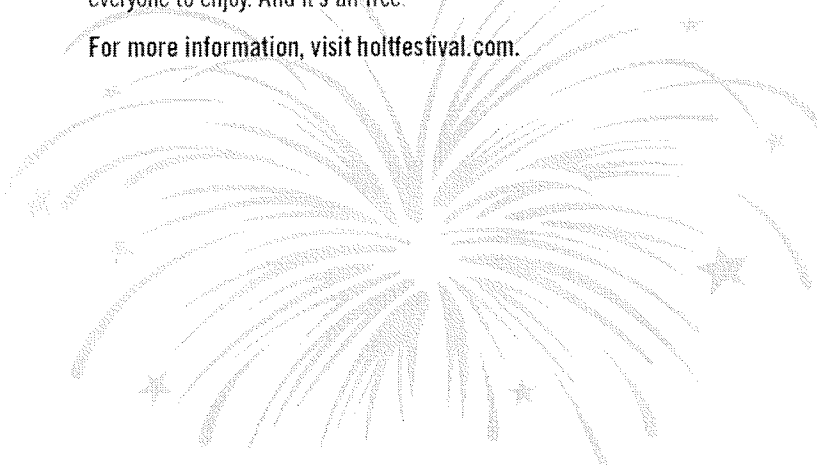
Derek Bajema, Trustee

Roy Sweet, Trustee

The Township Board of Trustees meets on the 1st and 3rd Tuesday of each month at 7:30 p.m. at the Delhi Charter Township Community Services Center Board Room (2074 Aurelius Road). Meeting agendas and minutes are available on the Township website, delhitownship.com.

The Parks Commission meets the 2nd Wednesday of the month at 5:30 p.m.

The Township Planning Commission meets the 2nd and 4th Mondays of each month at 7:00 p.m.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT TAYLOR, Mayor, City of Roseville;
DOUGLAS R. ALEXANDER, City Manager,
City of Algonac; MATTHEW BIERLEIN,
County Commissioner, Tuscola County;
DONALD LYONS, Mayor, City of Dowagiac;
TODD R. ROBINSON, Superintendent, New Haven
Community Schools; RUSSELL
PICKELL, Superintendent, Riverview
Community Schools; KELLY COFFIN,
Superintendent, Tecumseh Public Schools;
KIMBERLY AMSTUTZ-WILD, School Board
President, Tecumseh Public Schools; KEITH
WUNDERLICH, Superintendent, Waterford
School District; ROBERT SEETERLIN, School
Board President, Waterford School District;
MICHELLE IMBRUNONE, Superintendent,
Goodrich Area Schools; DAVID P. PRAY,
Superintendent, Clinton Community Schools;
PATRICIA MURPHY-ALDERMAN,
Superintendent, Bryon Area Schools; AMY
LAWRENCE, School Board President, Byron
Area Schools; AMY LAWRENCE, School
Board President, Byron Area Schools; ROBERT
D. LIVERNOIS, Superintendent, Warren
Consolidated School District; YVONNE
CAAMAL CANUL, Superintendent, Lansing
School District; in their individual and official
capacities; and STEPHEN PURCHASE, in his
individual capacity,

Plaintiffs,

v

RUTH JOHNSON, in her official capacity as
Secretary of the State of Michigan; and the
STATE OF MICHIGAN,

Defendants.

No. 2:16-cv-10256

HON. JOHN CORBETT
O'MEARA

MAG. R. STEVEN
WHALEN

Scott R. Eldridge (P66452)
Michael J. Hodge (P25146)
Attorneys for Plaintiffs
One Michigan Avenue
Lansing, Michigan 48933

Jerome R. Watson (P27082)
Brian M. Schwartz (P69018)
Attorneys for Plaintiffs
150 West Jefferson, Ste 2500
Detroit, Michigan 48226
313.963.6420

Denise C. Barton (P41535)
Joseph Y. Ho (P77390)
Assistant Attorneys General
Attorneys for Defendants
P.O. Box 30736
Lansing, Michigan 48909
517.373.6434

Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Dykema Gossett PLLC
Attorneys for Proposed Amicus Curiae
201 Townsend Street, Suite 900
Lansing, MI 48933
(517) 374-9133
ggordon@dykema.com
jhanselman@dykema.com

DECLARATON OF JORDYN SALMON IN SUPPORT OF AMICUS BRIEF

I, Jordyn Salmon declare as follows:

1. I am the Executive Director of the Conference of Western Wayne ("CWW").
2. The CWW is an association of 18 chief elected officials in western Wayne County. The member communities are the Cities of Belleville, Dearborn, Dearborn Heights, Garden City, Inkster, Livonia, Northville, Plymouth, Romulus, Wayne and Westland, and the Townships of Canton, Huron, Northville, Plymouth, Redford, Sumpter and Van Buren. These communities represent 700,000 residents in Michigan's largest county.
3. The CWW acts as the access point for funneling information to local units from county, state and federal agencies and monitors state and federal legislation for

impact on local government. Additionally CWW serves as a collective program planner and developmental entity and provides a forum for the discussion and review of issues.

4. The cities and townships that are members of CWW are adversely impacted by Section 57(3) of Act 269 in many of the same ways as are members of the other Amici.

5. Section 57(3) precludes providing vital election based factual non-biased information regarding issues appearing on the ballot within 60 days of the election. This will have the impact of reducing the available information to voters on issues that can be very complex on occasion and upon which information may not be available from sources other than government.

6. For example, legal requirements for ballot wording are sometimes confusing and need additional explanation to the voters through mailings and the local governmental unit is usually in the best position to provide factual non-biased explanations of the proposals on the ballot. One example of a proposal that appeared on the November 6, 2012 ballot follows:

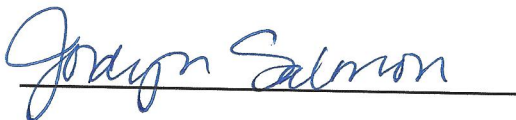
**WAYNE COUNTY
FORM OF THE WAYNE COUNTY
BUDGET AND APPROPRIATION ORDINANCE
"SHALL THE WAYNE COUNTY HOME RULE CHARTER BE AMENDED TO ADD A
NEW SECTION 5.120 AND TO AMEND EXISTING SECTION 5.134 TO AUTHORIZE
THE WAYNE COUNTY COMMISSION RATHER THAN THE WAYNE COUNTY
EXECUTIVE TO ESTABLISH THE FORM (INCLUDING BUT NOT LIMITED TO
LUMP-SUM AND LINE-ITEM) OF THE COUNTY BUDGET AND APPROPRIATION
ORDINANCE; AND TO REQUIRE THE COUNTY COMMISSION TO ESTABLISH
THE FORM OF THE BUDGET AND APPROPRIATION ORDINANCE BY
DECEMBER 7, 2012 AND TO ADOPT CHANGES TO THE FORM AT LEAST TEN
MONTHS BEFORE THE BEGINNING OF A FISCAL YEAR TO BE EFFECTIVE FOR
THAT FISCAL YEAR; AND TO ALSO AMEND SECTION 5.121 TO REQUIRE THE
COUNTY EXECUTIVE TO PREPARE AND SUBMIT THE BUDGET AND
APPROPRIATION ORDINANCE IN THE FORM ESTABLISHED BY THE COUNTY
COMMISSION?"**

7. The provisions of Section 57(3) are unclear as to what actions may

constitute criminal violations by elected and other officials when communicating with constituents in settings that may result in mass communications.

I, Jordyn Salmon declare and certify that I have read the foregoing Declaration and know its contents. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 1st day of February, 2016

A handwritten signature in blue ink that reads "Jordyn Salmon". The signature is written in a cursive style and is positioned above a solid horizontal line.

Jordyn Salmon

FCRA Millage Proposal: March 8, 2016

The Fremont Community Recreation Authority (FCRA) was originally established by the City of Fremont, Dayton Township, Sherman Township and Sheridan Charter Township in 2013. The participating jurisdictions, along with Fremont Public Schools had been collaborating since 2000 to establish a recreation center, and following a feasibility study and positive community survey, FCRA was formed to coordinate Community Enrichment and Recreational Services in the former high school facilities, operating as a community recreation center.

FCRA received grant funding from the Foundation and participating jurisdictions for the first three years (2013-15) with a goal of becoming self-sufficient in that time period and not having to depend on operational grant funding or establishment of a millage in future years. During the first three years FCRA has gained a membership of over 600 members consisting of all age groups, improved enrichment and recreational programs and expanded use of the facility. New swim education classes, Yoga, Zumba, Pickle Ball and Summer Youth Camp are a few of the new and growing programs.

At the end of this year FCRA will have fallen a little short of self-sufficiency, so a secure funding option must be sought in order to keep the recreation center open. Fremont Public Schools has agreed to extend the building lease to March 31, 2016, allowing FCRA an opportunity to request a ten year operating millage of up to ½ mill, on the March 8th Presidential Primary Election Ballot.

The ½ mill will yield approximately \$136,000 annually in tax revenue for FCRA with an estimated increase of \$25 in property taxes to the average homeowner in the Fremont community (est. \$100,000 valued home.) If successful, FCRA will annually offer a full-month of family membership (\$30) free to all membership households located in the participating jurisdictions as long as the millage is in existence.

The current participating jurisdictions (City of Fremont, Dayton Township & Sheridan Charter Township) acknowledging FCRA's need for the operating millage and the Center's importance to the community, have adopted resolutions permitting placement of the millage proposal on their jurisdictional ballots.

Please contact FCRA Director Tom Elmer by phone (924-3750) or email (telmer@fremont.net) if you have questions regarding the Millage Proposal or Recreation Center.

FCRA and the participating jurisdictions urge voters to show up to the polls on March 8, 2016 to vote!

JURISDICTIONAL FUNDING:

Jurisdictions	2016 est Taxable Values
City of Fremont	\$ 123,000,000
Sheridan Charter Township	\$ 84,000,000
Dayton Township	\$ 65,000,000
	<hr/>
	\$ 272,000,000

½ Mill Tax Revenue of **\$136,000** based on above total Taxable Values.

The annual estimated tax on \$100,000 valued home would = \$25

Need: Replacing Expired Grants & Contributed Funds:

FACF (Pool Operating)	\$35,000
City of Fremont	\$12,000
Sheridan Charter Twp	\$3,100
Dayton Township	\$2,900
Sherman Township	\$1,000
Fremont Public Schools	\$10,000
	<hr/>

Sub-total -	\$64,000
Annual Budget Shortfall (2014)	\$20,000

New Challenges:

Accounting Services-(new 2016)	\$10,000
IT Services & Phone-(new 2016)	\$5,000
	<hr/>
	\$ 99,000

** Any funds received over need will be used to enhance existing programs and establish new ones

COMMITMENT TO YOUTH

Over 600 FCRA Members

Over 1,000 youth participated in over 25 FCRA programs in 2015

Re-Introduced Elementary Swim Program with Fremont Public Schools

Continue coordinating programs with local sport clubs and groups

Established State-Licensed Day Camp for summer programming

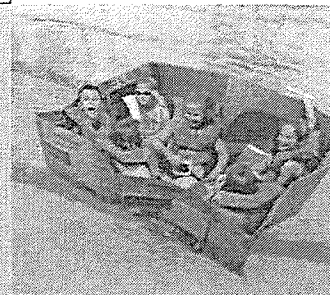
COMMITMENT TO ADULTS AND SENIORS

FCRA has 12 different programs opportunities for adults and seniors

Over 150 Senior FCRA Members

Continue with enhancement of Programs like Pickle Ball, Karate, Aerobics, Yoga and Water Exercise

Lap-Swim and Open-Swim opportunities have increased and continue to be enhanced



May 5th, 2015 Election

City of Sturgis Ordinance Proposal

In January a valid citizen initiative related to the repeal of the City's "dog limit" ordinance was presented to the Sturgis City Commission. Per the City Charter, the Commission must either put the initiative into law or it is placed on the ballot for voter consideration. On January 26th the Commission approved placement of the following initiative language on the ballot:

Should the City of Sturgis repeal Part II - Chapter 10 Animals - Article II Dogs and Cats - Section 10-33 of the City of Sturgis Code of Ordinances?

Sec. 10-33. - Operating of a dog kennel in city prohibited.

No person, group of persons, association or corporation shall keep, operate, or maintain a dog kennel within the limits of the city. A dog kennel, as used in this section means any establishment wherein or whereon more than two dogs are owned, kept, or harbored. This section shall not apply to the owning, keeping, or harboring of any dog pups until they attain the age of four months.

Yes

No

What does this mean?

Section 10-33 sets the maximum number of dogs living at a residential unit in the city limits at two (2) unless the dogs are under four months of age. It also limits business operations raising and selling more than two (2) dogs over the age of four months.

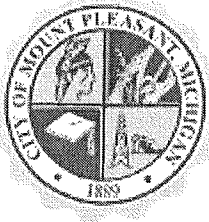
Repeal of the ordinance would allow residents to own an unlimited number of dogs in any home, rental, or apartment in the City of Sturgis (unless otherwise limited by lease). In addition, business operations could keep and sell as many dogs as they wished, so long as they do so in areas properly zoned for the business and meet any state business regulations or licensing.

Voting Yes

- Allows residents an unlimited number of dogs in owner-occupied homes and where allowed by lease.
- Allows businesses the ability to house an unlimited number of dogs for sale.

Voting No

- Keeps the current law limiting the number of dogs at any home or business to two (2), unless they are under the age of four months.



City of Mount Pleasant

Community Newsletter | Fall / Winter 2015



Kris Crawford (left), the City's new code enforcement officer for the M-2 district, works with current Code Enforcement Officer Jeff Pickler to become familiar with the area.

Promoting code compliance through community partnerships

New code enforcement officer to serve M-2 district

Residents in the M-2 zoning area will see a fresh face around their neighborhoods this fall. Kris Crawford, former dispatcher and corrections officer for the Saginaw Chippewa Tribal Police Department, joins the City of Mount Pleasant as the new code enforcement officer for the M-2 district.

While his primary responsibility will be enforcing ordinances, Crawford will also be charged with the vital task of developing partnerships with both renters and property owners, as well as establishing neighborhood groups.

"Achieving code compliance through cooperation and collaboration is usually more impactful and enduring than solely enforcing the ordinances," said Fire Lt. Mike Dunham. "Kris will be working diligently to foster these relationships. As they strengthen, he will gain a greater understanding of the issues facing neighborhoods in the M-2 area and therefore be better equipped to effectively correct the problems."

"Achieving code compliance through cooperation and collaboration is usually more impactful and enduring than solely enforcing the ordinances."

Fire Lt. Mike Dunham

Previously, the two current officers were responsible for serving the entire City (more than 5,000 parcels), but the increasing instances of ordinance violations and conflict between owner-occupied properties and students living in the M-2 area revealed the need for additional code enforcement support. With Crawford joining the team, residents throughout the City can expect each officer to dedicate more time to their respective areas.

Although circumstances have led code enforcement processes in a more stringent direction, Lt. Dunham is optimistic that Crawford's role will encourage residents to work together, ultimately increasing ordinance compliance in the M-2 area and improving the City as a whole.

M-2 District Code Enforcement Officer Schedule: Tuesday - Saturday, 10 a.m. - 7 p.m. • Contact: (989) 779 - 5302

Your *Connection* to the November 3 *Election*

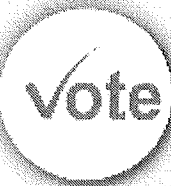
Commissioner Candidates and Upcoming Debates

There are seven candidates running for three full-term City Commission seats in the upcoming election. The City Commission candidates are:

- Keith Cotter
- Lisa Ferden
- Lori Gillis
- Nicholas Madaj
- Allison Quast-Lents
- Rick Rautanen
- Petro J. Tolas

The terms of current Commissioners Jon Joslin, Rick Rautanen and Matthew Sous expire Dec. 31, 2015.

The City Commission candidates will be participating in the following local debate events:



Thursday, Oct. 8 at 7 p.m.
First Presbyterian Church, 1250 Watson Rd.
Presented by: Southwest Area Neighborhood Association (SWANA)

Thursday, Oct. 15 at 7 p.m.
Mt. Pleasant City Hall, 320 West Broadway
Presented by: The League of Women Voters

Recent *News*

City Commission approves M-2 zoning ordinance revisions

On Sept. 28, the City Commission adopted the proposed text changes to the ordinance related to the M-2 zoning district and non-conforming redevelopment projects.

The ordinance revision has formalized the process for the redevelopment of non-conforming properties in the M-2 district, as well as amended the required standards for any future project in the area.

Mt. Pleasant City Planner Jacob Kain thanked community members, and present and past commissioners for dedicating their time to this matter.

Potter Playground conversations continue

At the City Commission meeting on Sept. 28, Director of Parks and Public Spaces Chris Bundy, along with team member Josh Wozniak, updated commissioners on the recent upgrades and repairs made at Potter Playground.



Bundy and Wozniak also proposed future plans for the space, reviewed the potential costs and identified funding options. Decisions on how to proceed will be specified on a later date.

Charter Amendment Proposal

A Charter Amendment proposal will appear on the ballot for the Nov. 3 election. If passed, this amendment will enable the City Commission to reappoint individuals with reputations of quality service, allowing them to serve for longer periods of time.

The City has 22 boards and commissions that are staffed by nearly 100 volunteers which the City Commission appoints.

The Charter Amendment will extend the number of terms appointed members of any City agency, board or committee can serve, from two (2) consecutive terms to four (4) consecutive terms. This amendment would apply only to appointed boards and commissions and would not affect the elected positions.

Voting Information

Polls will be open 7 a.m. - 8 p.m. on Election Day. (For precinct locations, visit www.mt-pleasant.org/departments).

If you are unable to attend the polls on Election Day, you can access an absent voter ballot if you are age 60 or older, unable to vote without assistance at the polls, expecting to be out of town, in jail awaiting arraignment or trial, unable to attend the polls due to religious reasons or appointed to work as an election inspector in a precinct outside of your precinct of residence. Absent voter ballots must be returned to the City Clerk's office prior to 8 p.m. on Election Day.

Mt. Pleasant saves millions with new sidewalk repair process

Throughout the City, there are sidewalks in need of attention. The Division of Public Works recently started utilizing the mudjacking process to repair damaged sidewalks, eventually saving both time and more than \$2 million.

"Cost is the biggest factor in mudjacking versus replacement in areas where the process is applicable," said City Engineering Technician Jennifer Flachs.

Mudjacking is a two-hour process that repairs trip hazards by lifting concrete slabs that have settled over time. During those two hours, four holes are drilled in the area of uneven sidewalk. Lime from the Water Department is used to make a grout mixture to fill the holes, which then lifts the concrete. Once the sidewalk has been leveled, the holes are plugged with concrete.

Research from the Engineering Department revealed the City has more than 110,000 linear feet (LFT) of sidewalk that can be improved through mudjacking. With sidewalk replacement costing \$25/LFT, replacing 110,000 LFT of sidewalk would result in a \$2.75 million price tag. At \$3/LFT, mudjacking would total \$330,000, saving the City approximately \$2.4 million.

Additionally, "We get all the materials needed from the water plant," said Flachs. "The lime is a waste product from the water process."

According to Flachs, a large portion of the 2016 sidewalk budget will be spent on mudjacking. The monies saved as a result will be used for other City infrastructure projects.

City of Clare Dedicated Street Millage

On November 3, 2015 Clare voters will be asked to support a dedicated property tax millage for the maintenance, rehabilitation and reconstruction of streets in Clare. The requested millage will be \$3.00 per \$1,000 of taxable value (3 mills) for five years and will generate approximately \$266,000 in the first year.

Background. The City has 21 miles of paved streets. The average life of a paved street is 15-20 years; most of Clare's streets were constructed more than 20 years ago. Today's costs to reconstruct a block of city street is about \$80,000 (includes gravel & sand base, curb & gutter, asphalt, & restoration).

What Will Three (3) Mills Provide? The City has a detailed inventory of our streets and a prioritized listing of needed repairs based on the current condition of each street. The City also has a plan to repair our streets; the plan is based on the prioritized listing. The cost of repairs of each street is dependent upon the category of repair work needed. The City's plan is based on three primary categories of repair: Thin Overlay; Mill & Overlay; and Full Overlay. At today's prices, the average per-block cost of repairs for a 300 foot block would be \$34,790 (Thin Overlay); \$49,140 (Mill & Overlay); and \$44,415 (Full Overlay). Based on the current street conditions, the category of repairs needed for each of our streets is depicted on the attached, color-coded map.

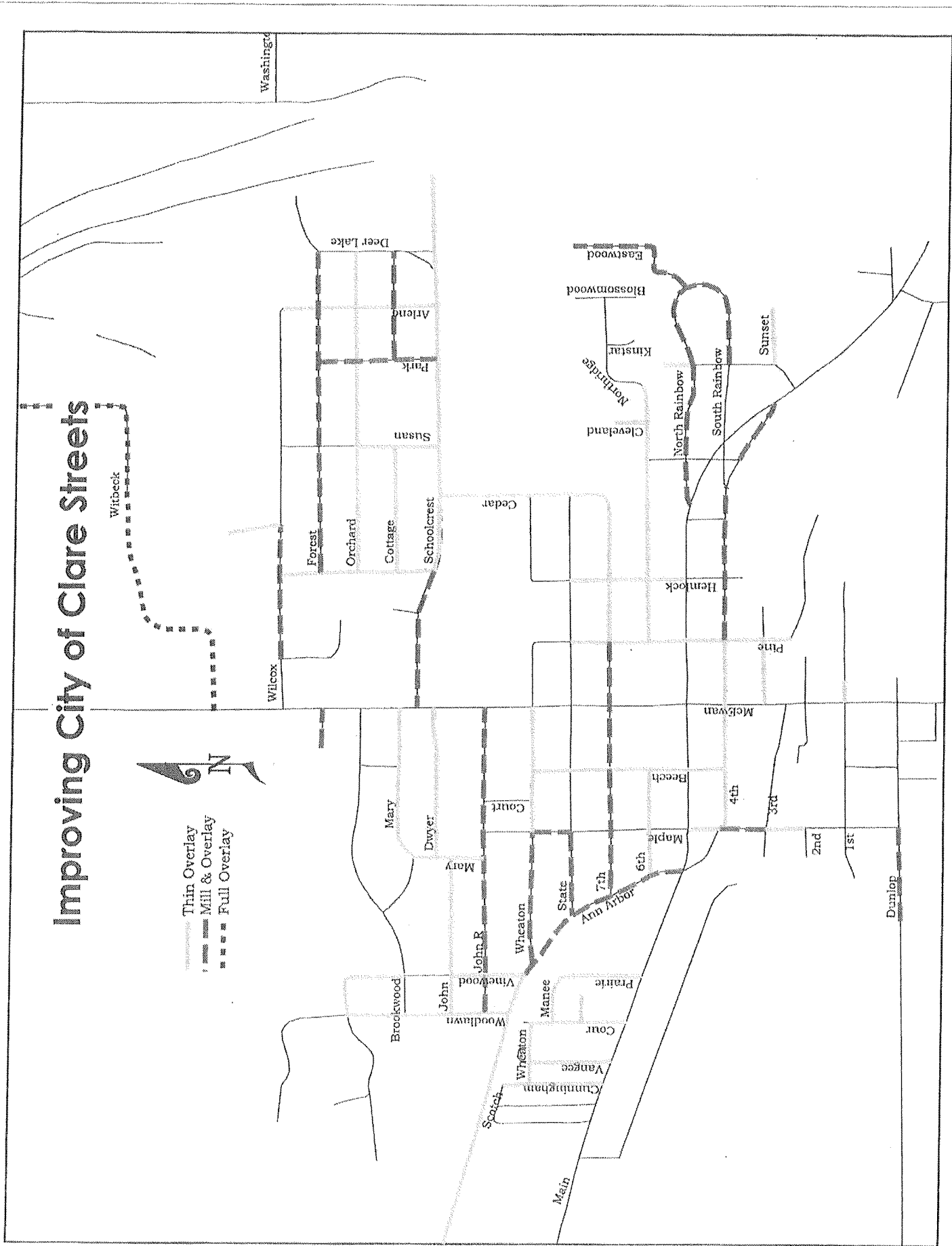
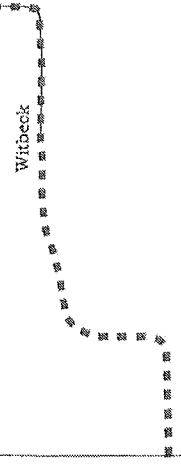
Why Three (3) Mills? This millage replaces the previous $\frac{3}{4}$ of a mill street millage that Clare voters have strongly supported for the past thirty years. With the escalating costs of asphalt, concrete, fuel, and other road repair materials and equipment, that millage is enough to reconstruct only about half of a City block per year today. But based on the number, age, and current condition of our streets, we need to place new asphalt on at least 18 blocks of our streets each year just to keep up with natural aging of our street system. So even when we had the $\frac{3}{4}$ street millage, we were losing ground at a rapid pace. The only dedicated street funds the City presently receives is from gas tax revenues distributed by the state on a formula-basis. Those funds barely cover the costs of routine street maintenance (snow removal, street sweeping, pot-hole patching, curb repairs, street lights, and equipment, personnel, and material costs needed to accomplish those tasks). All other funds for our streets come from our General Tax Fund and compete against all other City services and programs, including police and fire protection, recreation programs, parks, and building maintenance. Simply stated, we aren't generating enough revenue to fix our streets and concurrently provide all the other services expected by our residents, thus we need a dedicated street millage. We need to take immediate steps to right this situation because the longer we wait, the worse the condition of our streets will become. Three mills is considered the minimum amount needed to improve our current situation.

When Will My Street Be Repaired? Our Director of Public Works maintains an annually-updated, prioritized list of streets needing repairs. The repairs are accomplished based on that prioritized list and the amount of funds available for the needed repairs – more funds available/more repairs accomplished. The prioritized street list is available for review at City Hall. All revenue generated by the road millage is 100% dedicated and restricted to road maintenance, rehabilitation and reconstruction of the City of Clare's streets – any other use is prohibited.

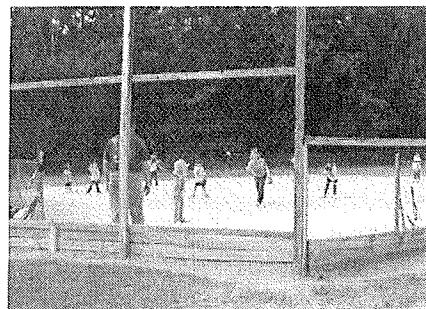
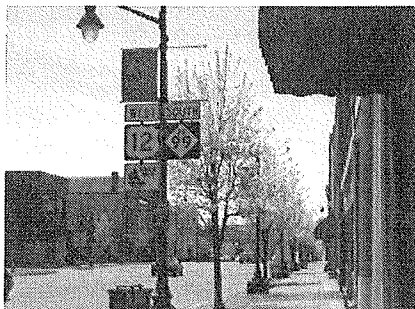
Improving City of Clare Streets



- Thin Overlay
- Mill & Overlay
- Full Overlay



Jonesville Cityhood Election Information

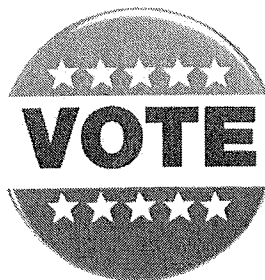


Jonesville Voters Will Consider Charter

On August 5, 2014 Jonesville voters will have the opportunity to vote on the proposed city charter. In addition to voting on the charter, voters will be electing a new City Council. Once the charter has been approved by voters and a new Council is elected, cityhood will be effective a few days after the election.

The election will take place at the Fayette Township Hall. Polls will be open from 7:00 a.m. to 8:00 p.m.

Vote on August 5th and make sure your voice is heard!



City Incorporation Facts

- ✓ Streamlined government; city residents will deal with one government, not two.
- ✓ Residents, businesses, and property owners would no longer pay township taxes (.9011 mills).
- ✓ City assumes responsibility for assessing property, preparation of tax roll, and collecting taxes.
- ✓ City retains the existing 1% tax administrative fee previously collected by the township to offset costs of additional responsibilities.
- ✓ City assumes responsibility for all elections.
- ✓ Collaboration with surrounding units would remain a priority.
- ✓ City Hall open to conduct business 42.5 hours a week.
- ✓ Elimination of double tax/duplication of services.
- ✓ Residents have developed their own city charter to meet current and future needs of governance.

The charter can be viewed on our website at www.jonesville.org

Check out the "Charter Commission" section of the website for more information on city incorporation

You can also get a copy of the charter by visiting the Village Hall
at 265 E. Chicago Street or by calling (517)849-2104

Jonesville Cityhood Election Information

Did you know?

When you live or own a business in a village, you also live or own in a township. That means you pay taxes to both units of government, and do business in both units of government.

Residents and businesses in a city pay taxes to the city and receive services from the city.

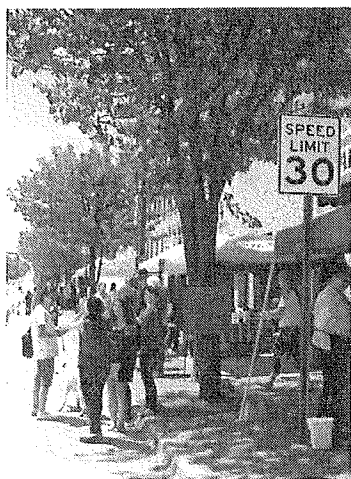
What are the reasons for becoming a city?

Primary reasons are streamlined government, reduced tax liability for residents and businesses, and to further economic development.

What do residents gain from Jonesville becoming a city?

Jonesville residents, businesses and property owners will no longer pay taxes to Fayette Township and would receive all services from the city. Village residents currently pay 0.9011 mills to Fayette Township (see table).

This Initiative will save residents and businesses \$54,148 annually	
Property Type (Taxable Value)	Annual Savings Realized
Large industrial business (\$4,000,000)	\$3,600.00
Family purchasing a home (\$65,000)	\$59.00
Family building a home (\$75,000)	\$68.00
A local insurance office (\$58,000)	\$52.00
A local restaurant (\$184,000)	\$166.00
Commercial mixed-use (\$449,000)	\$405.00
Tax Formula: TV x millage rate (0.9011) ÷ 1,000 = Your savings	



Will Village Ordinances and regulations change?

No, all of the existing ordinances and by-laws will remain in effect. The Village of Jonesville is a full service municipality; open to the public 42.5 hours a week.

Will incorporation result in higher taxes?

No. As a city, Jonesville's governing body can levy a maximum of 20 mills, the same as the Village can currently levy. The City intends to levy 16.388 mills, the same rate the Village currently levies.

What changes will result from becoming a city?

The charter keeps operations of a city the same as for the Village. Except for providing assessing, elections, taxing services, and elimination of the township tax, services to residents and businesses will be unchanged.

For more information visit our website at www.jonesville.org
 Questions or concerns can be addressed to Manager Jeff Gray
 via email at manager@jonesville.org or by phone at (517)849-2104
 Jonesville Village office is located at 265 E. Chicago Street
 You can also like Jonesville Michigan on Facebook



**MILLAGE PROPOSAL
AUGUST 5, 2014
FREQUENTLY ASKED QUESTIONS**

What proposal are we voting on?

To amend the Charter of the City of Wyoming to provide for a renewal of the annual levy of 1.25 mills on the dollar for public safety, specifically for the operation, maintenance and administration of Police and Fire services in the City of Wyoming for a period of 5 years. For a homeowner with a \$100,000 house, this comes to \$62.50 per year.

When is the election?

Tuesday, August 5, 2014

Where do I vote?

To find the correct polling location, check your green and white Voter Identification Card, which lists the name and address of our polling place or call the City Clerk's Office at 530-7296, to verify that you are registered to vote and where you should go on election day to cast your ballot. You can also visit www.mi.gov/vote or follow the Clerk's Office link on the City website (www.wyomingmi.gov) for voter information.

If I am not registered to vote, can I still do so? How?

The last day to register to vote in order to be eligible to participate in the August 5, 2014 election is July 7, 2014. You can register to vote in person at the City Clerk's Office, the County Clerk's Office, the Secretary of State and most social service agencies. You may also register to vote by mail using the form available at www.mi.gov/vote.

How many years will the millage renewal levy be in effect?

Five years.

Why did City Council ask voters to consider a 1.25 mil increase for public safety in 2010?

There are three main factors which contributed the need for additional general fund dollars for public safety.

1. The loss of state funding.
2. The closure of the General Motors Stamping Plant in Wyoming.
3. The general decrease in home values which means that we will collect less property taxes this year.

These three issues meant that less revenue went into our general fund. Since Police and Fire account for nearly 65 percent of all spending from the general fund, the City Council asked voters to support public safety services, or face elimination and cuts to services.

It's important to note that in 2010 this millage was only meant to allow the City to maintain the current level of services; it was not anticipated the millage would have allowed the City to add new services or people, or bring back services like the Gezon Station.

Why is the City Council asking residents to consider renewing this millage?

Many proactive Police and Fire programs have been implemented thanks to savings and efficiencies due to the new Public Safety service delivery model. These have included:

- The addition of three full-time firefighters
- Implementation of peak-load staffing with more firefighters on duty during periods of high call volume
- Police accreditation in 2012 at the gold-level by CALEA and re-accreditation efforts
- Offering hands-on citizens' academies that allow residents the opportunity to better understand the workings of the City
- An increase in utilization and total number of paid-on-call staff to 30
- Cross-training and licensing 16 City employees as firefighters
- Installation of police cruiser dashboard cameras and AEDs in every police cruiser
- Expansion of forensic lab capabilities to expedite blood alcohol and drug testing
- Staging emergency response vehicles during peak call volume times at the Gezon and Burton Street fire stations

Renewal of the millage will ensure that we continue to perform at the current level with the current funding.

What services are included in Public Safety?

Police and Fire.

Why is the City spending money on road projects, parks and sidewalk snowplowing, when money is needed for Police and Fire?

Capital improvement projects such as road projects, along with parks and sidewalk snowplowing are funded by dedicated millages. They do not come from the general fund, unlike fire and police. In years past, voters decided to support specific activities such as parks and roads. We collect funds dedicated for these specific purposes. It is against state law to use these funds for any other purpose than what they were designated for.

It would take voter approval to remove funding from a dedicated millage and place it in the general fund for police and fire.

How do the new changes to personal property tax affect the funding for police and fire services?

The changes to personal property tax only replace funding that will be lost if the initiative does not pass. These proposed changes do not affect property taxes paid by residents.

How do I get more information?

More information is available at www.wyomingmi.gov, or call City Hall at 530-7272.

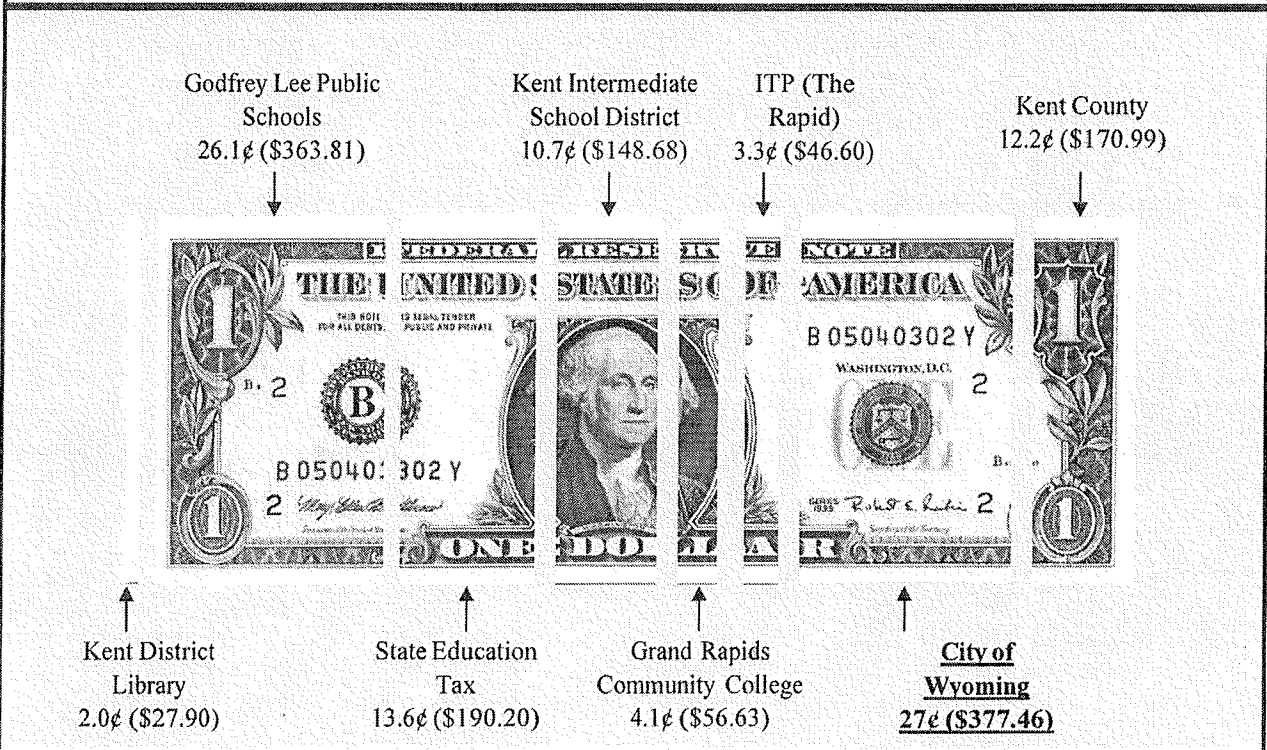


DO YOU KNOW WHERE YOUR PROPERTY TAX DOLLARS GO?

*GODFREY-LEE SCHOOL DISTRICT

The City of Wyoming is known for its beautiful parks, excellent infrastructure, numerous educational opportunities and diverse business offerings. The community investment you make through your tax dollars supports all of these features that make Wyoming a wonderful place to live, work and play. For every \$1 paid in taxes, you contribute to all of the entities below.

The average home in the Godfrey-Lee school district has a taxable value of \$31,700. Based on current millage rates, the total tax bill for this property would be \$1,382.27, and each entity would receive the following amounts:



The City of Wyoming receives 27¢ for every tax dollar paid, or \$377.46 of the total tax bill. The City's funds are allocated as follows:

- | | |
|-----------------------------------|-------------------------|
| 1. General Operating: \$148.02 | 5. Yard Waste: \$11.10 |
| 2. Police & Fire: \$103.02 | 6. Library Debt: \$8.56 |
| 3. Street, Water & Sewer: \$49.70 | 7. Sidewalks: \$6.34 |
| 4. Parks: \$47.55 | 8. Library: \$3.17 |



QUESTIONS? Wyoming City Hall • 1155 28th Street SW • Wyoming • MI • 49509
www.wyomingmi.gov • (616) 530-7272



THE BACK FENCE

A DEARBORN COMMUNITY NEWSLETTER

Important proposals on Nov. 8 ballot

Voters to decide on funding for City services, library

Proposals on the Nov. 8 ballot ask voters to make decisions about temporarily increasing the funding for City services and authorizing a dedicated source of revenue for the library system.

A third ballot proposal asks voters to decide if the Civil Service System, which applies to certain City of Dearborn employees, should be eliminated from the City Charter.

Polls will be open 7 a.m. to 8 p.m.

For election information, call the Clerk's Office at 943-2032.

Proposal 1: Operating Millage

The following is the language as it appears on the ballot.

The City of Dearborn has cut 35 percent of its non-Police and Fire workforce and reduced spending by \$12 million annually. Lower tax revenues will require more reductions and impact services and programs further. An additional 5-year millage will allow Dearborn to maintain core services while permanently reducing operation costs.

Shall Section 13.2 of the Dearborn City Charter be amended to temporarily allow the City to levy an additional ad valorem tax up to \$3.50 per \$1,000 in taxable value (3.5 mills) which will raise approximately \$12,250,000 in the first year it is levied, for no more than 5 years?

Further explanation:

What does this ballot proposal ask voters to do? Determine whether to temporarily raise the authorized level of the City's general operating tax rate of 15 mills by a maximum of 3.5 mills for a maximum of five years.

The operating tax rate is the most critical source of funding for most City services.

If voters approve the proposal, the City Council has the authority to determine how much, if any, of the 3.5 mills would be levied in any budget year.

If approved and levied, how much would the 3.5 mills cost the owner of an average Dearborn home?

\$187 a year.

The average Dearborn home has a taxable value of \$53,435. Generally speaking, that is a market value of about \$107,000.

FY2012 Average Home Taxable Value	Annual tax with current operating tax rate	Annual tax if entire 3.5 mill increase is levied	Difference
\$53,435	\$801	\$988	\$187

If approved, how long would the temporary tax rate increase be in place?

Each year the City Council would have the authority to levy the number of additional mills necessary.

The authority would end in five years or less.

Why are voters being asked to temporarily authorize a higher tax rate?

The City is facing about a \$20 million difference between what it costs to offer services and the money available to pay for them.

This is due to a structural budget deficit.

Revenue for essential City services has declined significantly in recent years. This is in large part because of the decline in property values. Lower property values lead to less tax revenue, when the tax rate stays the same.

The impact of lower property values can be seen in the chart below.

In Fiscal Year 2008, the owner of an average Dearborn home paid \$948 in operating taxes. Five years later, the owner of that same home is paying \$147 less, or \$801, in operating taxes.

Other sources of revenue for essential City services have also declined significantly while at the same time costs have risen.

Operating tax payments made in FY2008 compared with those made under the current operating tax rate in FY2012

	FY2008	FY2012	Difference
Average Home Taxable Value	\$69,583	\$53,435	(\$16,148)
Operating Tax	\$948	\$801	(\$147)

If the new tax rate is approved and levied, what do City officials say would happen during the next five years?

The City's intention is to continue to align the number and types of services and facilities it offers with the revenue that is available to pay for them.

It is thought that additional revenue during the five-year transitional period would create a more financially stable environment in which to prioritize core services, while reducing costs for the long term.

The goal is to maintain a higher level of service in Dearborn than in most area cities. It is thought this would keep Dearborn an attractive community for home buyers and business investors, helping to protect property values.

Continued on page 2

FALL 2011

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Proposal (continued from page 1)

Would the 3.5 mills generate revenue to restore services already eliminated or reduced?
The tax rate increase equals about \$12.25 million more in operating revenue.

The City, however, is facing about a \$20 million shortfall.

So even if the temporary tax rate increase is approved and levied, the shortfall of about \$7.75 million would still exist.

With that economic reality, prioritization of core services and discussions on changes in service levels would be ongoing, and some changes are likely to be permanent.

If the ballot proposal is not approved, and the shortfall remains at \$20 million, more impactful actions would be needed.

What specific steps has the City taken to reduce costs?

The City has been proactive in its cost reductions since 2001, even before economic conditions were generally understood to be in decline.

The following reductions have resulted in more than \$12 million in savings per year:

More than 200 full-time positions have been eliminated, which represents more than 35 percent of non-public safety positions.

The City has reduced pension, health care, paid time off and other benefits for employees and is negotiating with general government employees for a 10 percent compensation reduction in the current fiscal year.

The comprehensive program to replace fleet vehicles was cancelled and the capital investment program has been deferred.

Technology has been implemented to reduce costs.

Four bonds have been refinanced to generate cost savings.

Duplicative services have been eliminated, including the Dearborn Health Department.

Two of the eight outdoor pools and one of the four library buildings have been closed.

Street sweeping and grass cutting have been outsourced to save employee and equipment costs, and departments have been restructured.

Why can't the City just sell assets like Dearborn Towers and Camp Dearborn?

The City will sell assets when it makes economic sense. The sale of any City facility would be a one-time financial boost, not an ongoing source of revenue.

In 2007, voters authorized the City to sell Dearborn Towers in Florida after certain conditions were met. As of October 2011, the City had an agreement to sell Dearborn Towers. The current budget assumes Dearborn Towers will be sold before June 30, 2011.

The 626-acre Camp Dearborn is zoned by Milford for recreational use only. It could not be developed for any other purpose, severely limiting the market for the property.

pursue ways to increase revenue and keep it attractive as a recreational destination.

For the last three years, Camp Dearborn has not needed any money from the City's general fund for its operations.

My overall property tax bill has not decreased in line with the drop in property values. Why is this?

In addition to the City's operating tax, you also pay a tax dedicated to garbage and rubbish collection, and that tax rate can fluctuate.

Voters approved a tax to pay for the construction of the federally-mandated Combined Sewer Overflow (CSO) project in 2004.

Residents began to feel the impact of that new tax about the same time property values began to decline.

The CSO property tax now represents about 21 percent of your total City tax bill.

Without that new tax, taxpayers would have experienced a noticeably lower tax bill as property values declined. However, residents had no choice but to pay for the federally-mandated project in some manner and chose the new tax over an increase in water and sewer bills.

Voters also approved a property tax for the construction of the Ford Community & Performing Arts Center. That tax will expire in Fiscal Year 2013.

It is important to note that in 2011, for every \$1 of property tax you paid, 67 cents was allocated to taxing agencies other than the City, such as Wayne County and the Dearborn Public Schools. The City has no control over those tax rates.

Proposal 2: Library millage

The following is the language as it appears on the ballot:

State law allows citizens to authorize that 1 mill be dedicated to offset the costs of providing library services. Due to declining revenues, library services have been reduced. Additional revenues will be used to support greater technology so that the City of Dearborn can provide effective and efficient access to informational, developmental, and entertainment-oriented materials in order to meet current and future user demands.

Shall the City of Dearborn in accordance with State law MCL § 397.201 levy an additional ad valorem tax in an amount not to exceed \$1 per \$1,000 in taxable value which equals 1 mill or approximately \$3,500,000 in the first year it is levied for no more than 10 years dedicated to fund the ongoing operational and capital costs of a library system?

Further explanation:

What are voters being asked to do?
State law allows voters to dedicate one mill to offset the cost of providing library services.

The library is currently financed through the general fund. Having a dedicated millage would reduce the need for the library to compete with other departments for general fund money.

How much would this tax increase cost the owner of an average Dearborn home?
About \$53 a year.

If approved, how long would the millage last?
No more than 10 years.

If approved, would this prevent further branch closings?

The intent of the request is to provide a source of revenue to ensure some stability in library services.

This does not guarantee any number of branch libraries.

It would, however, provide dedicated resources for ongoing operational and capital costs as the library explores new ways, including increased use of technology, to provide access to information and services that best meet customers' needs.

Proposal 3: Elimination of the Civil Service System

The following is the language as it appears on the ballot:

The Civil Service System as defined in Chapter 11 of the Dearborn City Charter was created before City employees formed 8 different labor unions to represent them in negotiating contracts covering wages, benefits and work rules. The provisions in these contracts take precedence over Civil Service policies. Dearborn is one of a few Michigan cities that still has a Civil Service System. If necessary, the City Council could create a Human Resources Commission by ordinance to oversee any employment issues for City Employees.

Shall the Dearborn City Charter be amended to eliminate the Civil Service System by repealing Chapter 11?

Further explanation:

What does the Civil Service System do?

Generally the Civil Service System was intended to set the policies for hiring, promoting and terminating City of Dearborn employees.

Its policies do not apply to part-time employees, certain management or professional positions, or any appointed positions.

It is overseen by a five-member appointed body that serves without pay.

What other representation do employees have regarding work-related issues?

Most full-time employees now are covered by union contracts, which take precedence over Civil Service System policies. The City also has a Human Resources Department.

If Proposal 3 is approved, would anything replace the Civil Service System?

The proposal leaves open the opportunity for the creation of a Human Resources Commission to oversee any employment issues for City