A RESOLUTION
Of the Council of the City of Berkley, Michigan
Stating its staunch opposition to Public Act 269

WHEREAS, Governor Snyder signed into law, with immediate effect, Public Act 269 (Senate Bill 571) despite wide spread calls for a veto of this bill, including from members of his own political party; and

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late into the night of December 16, 2015, just prior to recessing for the year; and

WHEREAS, one of the last minute amendments made to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organization, and approved without any public testimony or awareness, was the new language inserted into Section 57, subsection (3); and

WHEREAS, this new law prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that will appear on the ballot, within 60 days of an election, and

WHEREAS, this law places an immediate gag order on entities with ballot questions on the March 8 ballot and every election thereafter; and

WHEREAS, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

WHEREAS, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds and resources to advocate for or against ballot issues; and

WHEREAS, existing laws expressly authorized local elected and appointed officials to express their views without fear of violating the act; and

WHEREAS, existing laws allowed local governments to use public resources to produce and disseminate factual information to explain and educate the electorate about local ballot questions

WHEREAS, because the new law bans only communication on local ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

WHEREAS, there are substantial questions regarding the constitutionality and legality of the new law, including interference with freedom of speech;

NOW THEREFORE BE IT RESOLVED: that the City Council of the City of Berkley calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016; and

NOW, THEREFORE, BE IT FINALLY RESOLVED: that copies of this resolution shall be expeditiously transmitted to: Governor Rick Snyder; Representative Robert Wittenberg; Senator Marty
Knollenberg; SEMCOG; the Michigan Municipal League; the Michigan Association of Municipal Clerks; the Michigan Association of County Clerks; the Oakland County Clerks' Association; Speaker of the House Kevin Cotter; House Minority Leader Tim Greimel; Senate Majority Leader Arlan Meekhof; Senate Minority Leader Jim Ananich; the Chair and Vice Chairs of the Senate Committee on Elections and Government Reform; the Chair and Vice Chairs of the House Committee on Elections; and the Berkley School District Board of Education; and

City of Berkley, Michigan do hereby certify that the foregoing Resolution No. R-02-16 was offered by Councilmember _____Kideckel_____ and supported by Councilmember _____Steadman_____.

Introduced and passed at a regular City Council meeting on Monday, February 1, 2016.

AYES: Steadman, Terbrack, Baker, Kideckel, and O'Dwyer

ABSENT: Blanchard, Edgar

NAYS: None

[Signature]
Phil O'Dwyer, Mayor

[Signature]
Phommphay A. Boucher, City Clerk