RESOLUTION 2016-007

A RESOLUTION OF THE CLARE CITY COMMISSION DECLARING ITS OPPOSITION TO PUBLIC ACT 269.

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late on 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 is to 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 to advocate for or against ballot issues; and

WHEREAS, existing laws already provided for an allowance for elected and appointed officials to express their views without fear of violating the act; and

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 a possible ban on freedom of speech;

NOW THEREFORE, BE IT RESOLVED, that the City Commission of the City of Clare hereby calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016.

NOW THEREFORE BE IT FINALLY RESOLVED that the City Commission of the City of Clare directs its City Clerk to forward a certified copy of this Resolution to Representative Joel Johnson in the Michigan House of Representatives and to forward a second certified copy of this Resolution to Senator Judy Emmons in the Michigan Senate.
ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSO FAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner McConnell and supported by Commissioner Swanson. The Resolution declared adopted by the following roll call vote:

YEAS: Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson.

NAYS: None.

ABSENT: None.

Resolution approved for adoption on this 18th day of January 2016.

Diane M. Lyon, City Clerk