Resolution Urging the Repeal of Section 57, Subsection (3) of PA 269 of 2016

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late in 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 organizations, 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, 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 and upon which they are asked to 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 Ferrysburg City Council 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 a copy of this resolution be forwarded to the City's representatives in the Michigan House of Representatives and the Michigan Senate.

The foregoing resolution was offered by Council Member [K] and supported by Council Member [C] and was duly passed at a regular meeting of the Ferrysburg City Council held on February 1, 2016, and that the vote was as follows:

Yea: 5
Nay: 1
Absent: 1

I, Debbie Wierenga, duly certified Clerk of the City of Ferrysburg do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Ferrysburg City Council at its regular meeting held February 1, 2016.

Debbie Wierenga
City Clerk