The following is an excerpt from the Regular Meeting of the Madison Heights City Council, Madison Heights, Oakland County, Michigan held on February 8, 2016, at 7:30 p.m. Eastern Time.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers Clark, Corbett, Gettings, Scott and Soltis.

Absent: None.

CM-16-34. Resolution Opposing State Prohibition of Public Information for Local Ballot Questions.

RESOLUTION OF THE CITY OF MADISON HEIGHTS
IN OPPOSITION TO PUBLIC ACT 269 AND IN SUPPORT OF SENATE BILL 703 AND HOUSE BILL 5251

WHEREAS, Governor Snyder signed into law with immediate effect Public Act 269 (Senate Bill 571) despite widespread calls for a veto of this bill, including from members of his own 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 organizations, and approved without any public testimony or awareness, pertained to new language inserted into Section 57, Subsection (3); and,

WHEREAS, Section 57, Subsection (3) 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 8th 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 provide 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, as follows:

(1) The City Council of the City of Madison Heights calls for an immediate repeal of the new language in Section 57, Subsection (3) of PA 269 of 2016; and,

(2) In conjunction with the Michigan Municipal League, the Michigan Association of Counties and the Michigan Townships Association, City Council supports the enactment of Senate Bill 703 and House Bill 5221 and any similar pieces of legislation which repeal the “gag order” provision in Public Act 269 and lift the limitations on local officials regarding their effort to give voters important, basic and factual information on local ballot issues, and,

(3) City Council directs that a copy of this Resolution be forwarded to the City’s representatives in the Michigan House of Representatives and the Michigan Senate, to the Governor’s Office, and the Michigan Municipal League.

Yeas: Bliss, Clark, Corbett, Gettings, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CERTIFICATION:

I, Cheryl E. Printz, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a resolution adopted by the Madison Heights City Council at their Regular Meeting held on February 8, 2016.

Cheryl E. Printz
City Clerk