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 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, 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 Pleasant Ridge City Commission 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 Commissioner Foreman and supported by Commissioner Scott and same was duly passed at a regular meeting of the Pleasant Ridge City Commission held on January 12, 2016, and that the vote was as follows:

Yeas:  Commissioner Foreman, Scott, Krzysiak, Perry, Mayor Metzger.
Nays:  None.
Absent: None.

I, Amy M. Dreaian, duly certified Clerk of the City of Pleasant Ridge do hereby certify that the foregoing is a true and accurate copy of a resolution unanimously adopted by the Pleasant Ridge City Commission at its regular meeting held January 12, 2016.

Amy M. Dreaian
City Clerk