February 2, 2016

The Honorable Wayne Schmidt  
Michigan Senate  
PO Box 30036  
Lansing, MI 48909

The Honorable Larry Inman  
Michigan House of Representatives  
PO Box 30015  
Lansing, MI 48909

Dear Sirs:

We are writing you today to strongly encourage you to support the respective bills in the Michigan House and Senate that repeals the portion of Public Act 269 that places a gag order on local officials regarding ballot questions within sixty (60) days of an election.

Specifically, the new language in Section 57 of PA 269 cripples our ability to educate our residents about a local ballot issue in a factual manner.

As local officials, we believe it is our right and responsibility to inform our residents in a fair and balanced way about ballot issues facing them in our community. There are many ballot issues that are complicated and cannot be adequately explained in the limited language space of a ballot. It is essential that we are able to further explain to our residents the facts behind ballot questions dealing with charter amendments, special assessments, tax issues and more. This new law prohibits local officials from informing voters of the ballot language itself, or responding to questions on public property from TV or radio reporters for news stories about local ballot questions within the sixty (60) days of the election. That is a clear violation of the right to free speech.

Because this language specifically bans communication on only local ballot questions, the provision creates inconsistent treatment between communicating with residents on statewide ballot questions versus local questions. Because the law took immediate effect, it places an immediate gag order on local government entities from getting questions answered on the March 8, 2016 ballot and all subsequent elections.

This impacts more than 100 cities, villages, townships, school districts, counties and other entities across our great state. Please support HB 5221 and SB 703 to repeal PA 269. Thank you.

Most sincerely,

James Carruthers, Mayor

Martin A. Colburn, City Manager

copy: Traverse City City Commission

Benjamin Marentette, City Clerk
RESOLUTION OF OPPOSITION TO PUBLIC ACT 269

Because, Governor Synder 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 party; and

Because, 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

Because, 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

Because, 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

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

Because, 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

Because, 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

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

Because, the new law bans only communication on local ballot issues, therefore creating inconsistent treatment of statewide ballot questions versus local initiatives; and

Because, there are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech; therefore be it

Resolved, that the City Commission of the City of Traverse City calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016; and be it further
Resolved, that a copy of this Resolution be forwarded to the city’s state representatives in the Michigan House of Representatives and the Michigan Senate.

I hereby certify that the above Resolution was adopted by the Traverse City City Commission at its Regular Meeting of February 1, 2016 in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Katelyn Zeits, CMC
Deputy City Clerk