

the review

September / October 2021

the official magazine of the  michigan municipal league

MUNICIPAL CLERKS

THE HUB OF LOCAL GOVERNMENT



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a New Way—By the
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2020 Clerks of the Year. (l-r) Melanie Ryska, City of Sterling Heights; Angie Koon, Village of Kalkaska; and Mary Clark, Delta Charter Township. Photo taken by Marie Hill, Michigan Municipal League's brand manager.

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the review

The official magazine of the Michigan Municipal League

Volume 94, Number 5

We love where you live.

The Michigan Municipal League is dedicated to making Michigan's communities better by thoughtfully innovating programs, energetically connecting ideas and people, actively serving members with resources and services, and passionately inspiring positive change for Michigan's greatest centers of potential: its communities.

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Please recycle this magazine

Treading Dangerous Waters

Feel the ground shaking beneath your feet? That's no illusion—there's an earthquake going on at the bedrock of our democracy.

No matter which side of the aisle you're on, that should make you more than a little nervous. Because our core belief in the sanctity and security of our election system is shaking like a house of sticks. And no democracy can stand once that house of sticks falls.

In any true democracy, the authority of government derives solely from the consent of the governed. Free and fair elections are the main mechanism for making sure that happens. The Fourteenth Amendment protects our fundamental right to vote, and empowers each state to establish, maintain, and supervise a system that ensures a free and fair election.

But what exactly is a "free and fair" election?

Right now, there's a lot of debate on what that means, and what's needed to protect it. The challenge is ensuring security without impeding voter access. The question is how to pay for it.

Whether it's new surveillance systems and increased restrictions on absentee ballots—or expanded periods for early voting and postpaid envelopes—every proposal has a cost. And Michigan municipalities by and large are the ones being asked to pay it.

Our local officials constantly strive to provide a safe, secure, and equitable elections process that promotes and provides the opportunity to participate for every eligible elector. That bottom-line assumption has rarely been questioned to the extent it is now. We may not always like or agree with the results of the popular vote, but we've never so seriously doubted the integrity of the vote itself.

That's the dangerous water in which we find ourselves treading now.

Because make no mistake about it: if we willfully dismantle and destroy the national confidence in the sanctity of our elections process, we will have destroyed the compass that has kept this nation on course for nearly 250 years, safely navigating through countless changes in the political landscape, even a civil war.

So how do we get that trust back? How do we re-instill our faith in this bedrock principle of democracy—our confidence as a nation that our vote is indeed our legitimate and validated voice in the processes of our government?

We first need to ask ourselves: what truly needs to change, and why? What absolutely needs to remain the same? We must question our motives and ask both each other and ourselves: do the changes we demand honestly serve the purpose of protecting the right to vote in a free and modern democracy?

Here at the League, we know that our answer is a resounding and unequivocal YES. We support the establishment of best practices and unified processes for absentee ballot collection and record keeping, just as we support accountability for every aspect of the election process. We support equity and access for all eligible voters, with fair and accurate representation. At the same time, we must recognize the time, equipment, training, and resources required to administer these processes, and act accordingly to support the local institutions implementing them.

Here in this issue, you'll read about the role our municipal clerks play in all facets of local government, in communities of every shape and size. You'll read about how community meetings can play a role in the state redistricting process, and we'll give you the latest updates on current election legislation. We'll also unpack the 2020 election itself and weigh in on voter equity, cybersecurity, and other pertinent issues. We'll even share the very cool and creative way that Ann Arbor used art to get University of Michigan students registered to vote.

Hopefully, by the time you turn the last page, you'll feel as confident as we do that our local municipalities are doing everything it takes to keep our footing firm. The ground might be shaking beneath our feet right now—but we have the power to ensure that our democracy is still standing at the end of the day. It's all up to us.



Daniel P. Gilmartin
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AN OVERLOOKED ECONOMIC POWERHOUSE FOR SMALL CITIES

By: Ilana Preuss

Reprinted with permission by Next City nextcity.org/daily/entry/an-overlooked-economic-powerhouse-for-small-cities

The League has tapped Ilana Preuss' expertise on fostering a local small-scale manufacturing sector in past years through Convention and webinar sessions. By fusing placemaking, local business development, and bottom-up economic stability, Ilana's work has been one of our reference points as the League has refined our own frame of community wealth building. While this reprinted article uses the term "city," small-scale manufacturing is a sector that can benefit cities, villages, and townships of all sizes—and can be especially important for smaller communities that aren't able to attract larger business relocations.

When community leaders in Columbia, Missouri, first set out to revitalize The Loop, the prospects felt daunting. This stretch of Highway 40 serves as the entrance to Columbia but has been neglected for decades. Local small businesses were few, and struggling.

Leaders organized conversations with neighbors to understand what types of businesses were currently in the region, what the community wanted, and how this effort could contribute to broader city priorities. They soon learned

that one particular type of business held an uncommonly powerful potential to support transformation.

Small-scale manufacturers like Claysville Creations and Heartland Soapworks were selling products online as well as in retail spaces, creating jobs, and—most crucially—attracting visitors who want to buy products right where they're made. The project team realized these would be perfect businesses to be among the first to build a destination in The Loop. Because they sell online, they don't depend on foot traffic, but still create a reason for people to visit and stay awhile.

Small-scale manufacturers produce anything from textiles to hardware to beer or coffee and more. Unlike large manufacturers, they fit into relatively small square footage and are clean, quiet neighbors. They are well-positioned to compete in the digital economy, but also fill storefronts and contribute to a thriving downtown or business district. They create jobs at a variety of skill levels, and it's often women, immigrants, and Black, Latino or other business owners of color at their helm. Many owners operate these businesses out of their homes or garages at first, so your neighborhood might be home to small-scale manufacturers already.

More small cities are making small-scale manufacturing a priority in their economic development plans—to not only create these businesses but also encourage them to scale. For example, South Bend, Indiana, created Scaling Up! South Bend, a city-sponsored program to help existing businesses grow and build the pipeline of new businesses in the community.

And leaders in Bellflower, CA are actively working to nurture their local small-scale manufacturers, including a fashion designer, fabricator, and a brewery/BBQ restaurant that also produces sauce for sale.

Over the last several years I've talked with mayors, economic development professionals, planning directors, and city managers across the country about how to grow a strong local economy and vibrant downtown.



Recast Your City: How to Save Your Downtown with Small-Scale Manufacturing by Ilana Preuss is out now!

In it, Preuss shows how communities across the country can build strong local businesses through small-scale manufacturing, reinvest in their downtowns, and create inclusive economic opportunity. Her book gives you a five-step method of success and case studies that showcase concrete examples from her work in cities across the country. Grab your copy from the publisher, Island Press, for 20 percent off with code **RECAST** at checkout. Or support a local bookstore and get the book from Bookshop.

Preuss, Ilana. *Recast Your City: How to Save Your Downtown with Small-Scale Manufacturing* (Washington, DC: Island Press, 2021).

KNOXVILLE—THE MAKER CITY

The Knoxville Entrepreneur Center (KEC) in Tennessee created immediate results along these lines by building a stronger relationship with the Knoxville Area Urban League.

We worked together to identify new Connectors, and KEC reached out to the Knoxville Area Urban League (KAUL). KAUL could be a key Connector to Black product business owners because of the programming they already ran. Terrence Carter, vice president of workforce and economic development at KAUL, joined the team for discussions, and we realized that both KEC and KAUL were running startup programs for local residents. The product businesses working with KAUL were in a program for “lifestyle businesses,” whereas the KEC startup program was more focused on technology-based businesses. The program leaders knew each other, but had worked in parallel, not together, because they assumed that their small businesses were different. In fact, they were both providing similar trainings to product businesses, but not bringing those business owners together to build one diverse community of small-scale manufacturing business owners.



So what changed? Everything did. KEC and KAUL came together to talk about it after the interviews and then started to bring together the product business owners through the Maker Summit and other programming. The following year, the summit featured more Black business owners in Knoxville as a major component of the event, and the team created more inclusive programming so that new programs to help small product businesses scale up now reach the diversity of business owners in the community.

Knoxville, Tennessee, created an online directory of the local product businesses. The site is hosted by the Mayor's Maker Council and run by the Knoxville Entrepreneur Center. It gives product businesses an online destination to join local business development activities and gives customers a way to look through and buy from these businesses. The site is called TheMakerCity.org, claiming the mantle of being “the” city for maker businesses.



Even today, it still surprises me how often I hear people in these positions talk about attracting a major employer or tech companies as if those are the only industries that deserve our attention and investment. They are not—and cities hurt themselves when this is their only approach.

Every city has a history and community members that make them unique. Whether it's a history of textile mills or corn production, of immigration or Native tribal heritage, understanding and celebrating what has contributed to your community's sense of identity is the secret of building an economy no one can take away. Entrepreneurs have always been part of this.

Right now is a particularly important moment for small cities to understand this lesson. Funding from the American Rescue Plan is just now reaching cities, and in the coming weeks and months, local leaders will have to decide how to invest it. How can leaders make sure these funds power long-term local economic growth? Here are a few specific ideas:

- **Support entrepreneurs**—Starting a business is challenging, but cities can make it easier by helping people who are just getting started. The Maker City program in Knoxville, Tennessee, for example, trains residents about how to start and scale a business. With over 900 businesses participating in their programs, and over 50% of participants in the startup training program from low- and moderate-income households, this is all about connecting people and helping them grow their revenues. Some find wild success like Pretentious Beer Glass and change the market. It's important to invest in these programs and host them specifically in neighborhoods that have been left behind in the past.

- **Provide incentives to be on Main Street**—

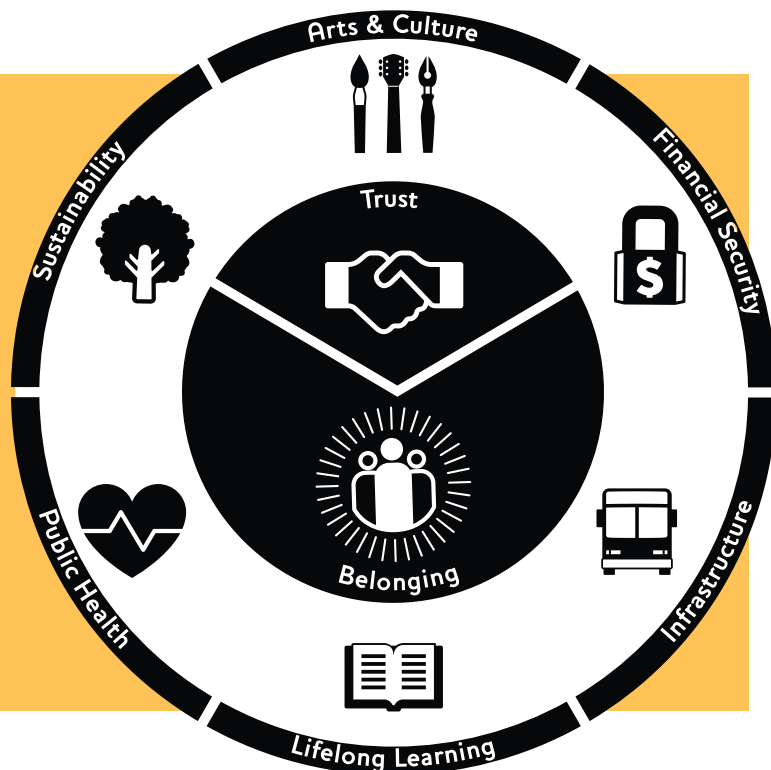
Build momentum for your local economy by encouraging businesses to locate downtown or inside the business improvement district. Incentives can include buying a building and leasing it at affordable prices, working with commercial landlords to rent to local businesses, or changing zoning to accommodate small-scale manufacturing (which is often unintentionally, or intentionally, prohibited).

- **Encourage flexible, inclusive ecosystems**—In addition to supporting existing and growing businesses, encourage new businesses to start. Create makerspaces and training programs for advanced manufacturing, or commercial shared kitchens to give more entrepreneurs a cost-efficient place to grow. Make capital investments and low-cost loans to help product businesses build their domestic supply chains and distribution networks. And do it in a way that invites participation from business owners who reflect the full diversity of the community.

For their part, city leaders in Columbia, MO, launched a shared commercial kitchen in the Loop—in the middle of the pandemic, no less—to intentionally provide resources for Black and Latino entrepreneurs whose businesses had not been supported in the past. This is just one of the ways we can build a new economic future together. The possibilities are endless.

Pillars of Community Wealth Building

We define community wealth building as strategies that build community and individual assets, creating resilient and adaptable systems to address social and economic needs. The League will work with our partners to provide thought leadership, training, advocacy, resources, and best practices to build community wealth.



Michigan communities have an opportunity to re-emerge from the pandemic as co-creators of a bright, new future that puts people and local communities first.



Bridge Builder microgrants support innovative work that intentionally & creatively brings people together, while socially distant, and repairs broken relationships in the community. You can see the 2021 Bridge Builders at mmlfoundation.org/bridgebuilders2021



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Pledge your support for Bridge Builders in Michigan communities at mmlfoundation.org/donate.

What You Need to Know About November 3, 2020



Statement from Secretary of State Jocelyn Benson on planned audits to follow certification of the Nov. 3, 2020, general election:

Throughout my tenure as Michigan Secretary of State, and indeed long before, I have spoken repeatedly on the importance of post-election audits to ensure Michiganders can trust the outcome of our elections as an accurate reflection of the will of the people.

I'm thrilled that we are on track to perform a statewide risk-limiting audit of November's general election, which we've been building towards and planning for over the last 22 months, as well as local procedural audits of individual jurisdictions.

For example, earlier this year following the March 10 presidential primary my office conducted Michigan's first statewide risk-limiting audit pilot, which demonstrated the results of our elections are accurate and provided an extra layer of security as we prepared for November's election.

The statewide risk-limiting audit will be accompanied by the routine local procedural audits that will review the accuracy and process of elections in local communities, as have been carried out following the November 2019 election and May 2020 election. And as always, under state law our department conducts these audits after the Board of State Canvassers has certified the election. This is because it is only after statewide certification that election officials have legal access to the documentation needed to conduct such audits.

Importantly, while the Risk Limiting Audit is a proactive, voluntary, and planned action our office is taking to confirm the integrity of our elections and identify areas for future improvement, local procedural audits consider clerical errors identified before and on election day, in addition to issues identified during canvasses. This a typical, standard procedure following election certification, and one that will be carried out in Wayne County and any other local jurisdictions where the data shows notable clerical errors following state certification of the November election.

Notably, audits are neither designed to address nor performed in response to false or mythical allegations of "irregularities" that have no basis in fact. Where evidence exists of actual fraud or wrongdoing, it should be submitted in writing to the Bureau of Elections, which refers all credible allegations to the Attorney General's office for further investigation. [November 19, 2020]



Justin Roebuck, Ottawa County Clerk (R)

Barb Byrum, Ingham County Clerk (D)



"The November 2020 election was a success by every data point we can measure by."

Justin Roebuck, Ottawa County Clerk (R)

For many in our country, the 2020 Presidential Election remains a topic of daily conversation. In the wake of our national election, a cloud of doubt, confusion, and accusation has emerged, and many of our residents find it difficult to know just what to believe. While there will always be work to be done to improve the voting process and to strengthen the ties of trust, there is also an amazing success story to be told, and a set of facts that we can rely on as we look back at November of 2020.

Record Breaking Number of Voters

In the midst of a global pandemic, Michigan's clerks implemented an election with a turnout of 5,579,317 voters—the highest number in our history. Beginning with the first declaration of a state of emergency on the night of our presidential primary in March, our clerks faced significant challenges as they looked to the upcoming election cycle. Ensuring success in this election required extraordinary levels of planning and the stretching of both human and material resources.

Michigan deploys roughly 30,000 poll workers in every major election. These are people who contribute a day of their time a few times per year to work in their neighborhoods and ensure that the elections process works for their fellow citizens. Recognizing the threat that the virus could pose to higher at-risk populations in our pool of election workers, our clerks moved quickly to sound the alarm that we needed help. The result was over 32,000 new citizens across the state signing on to serve as election workers. This unprecedented outpouring is a testament both to the work of our local election officials, but also of the commitment of our fellow citizens to the democratic process.

Suddenly our local clerks found themselves on the front lines of ensuring the safety of their election workers by providing and distributing sanitizer, gloves, masks, and shields to our 5,000 precincts across the state. In addition, they worked to ensure proper line management and safety protocols were in place for the millions of voters who would walk through their doors on election day.

Absentee Ballots

Not only did we experience a record number of voters in the November 2020 election, but the way those voters participated was also different. Over 3 million of our 5.5 million voters chose the absentee process—another record-shattering number for local clerks who saw their number of

"Michigan runs some of the safest and most secure elections in the country."

Barb Byrum, Ingham County Clerk (D)

Many elected officials know enough about elections to get elected, but not the nuts and bolts behind how they work. That much has been evident over the last eight months, in the wake of the November 2020 General Election. Despite what you may have heard or read online, let me say unequivocally that Michigan runs some of the safest and most secure elections in the country.

One of the key differentiators that makes Michigan's elections particularly secure is the decentralization. Elections in Michigan are run by 83 elected county clerks and over 1,500 elected or appointed city and township clerks. Bad actors wishing to hack a Michigan election would find themselves in a nightmare with 1,600 disparate systems to try to compromise.

Each county clerk provides election programming for the local clerks to use in their tabulators. From there, the elections are administered at the local level, with the city and township clerks handling testing of the programming in a public meeting, setting up precincts for in-person voters, as well as organizing and handling absent voter ballots. At the end of election night, unofficial results are transmitted to the county clerk's office for aggregation and reporting.

Safety Measures

There are checks and balances at every step of the process and requirements that members of both major political parties be present at nearly every key step. The single largest security measure above and beyond those checks and balances is the paper ballot. Paper ballots are crucial because no matter what happens to the electronic tabulations, there remains physical records that can be reviewed to verify the results of the election.

For in-person voters, Michigan is a voter ID state. Qualified, registered voters must show their ID or sign an affidavit attesting to their identity when they arrive at the precinct. They are then checked against the list of voters to ensure that they have not already voted in the precinct or by absent voter ballot. Only after this has been verified, are they given a ballot.


In November 2018, the people of the State of Michigan passed Proposal 3, which gave Michigan's residents the constitutional right to vote by absent voter ballot without having to provide a reason. Voters must request an absent voter ballot, and the signature on that application is compared against the voter's signature that is on file in the Qualified

absentee voters more than double in 2020. Absentee voting significantly helped our in-precinct election workers by reducing their exposure, preventing lines in precincts, and allowing in-person voters a much smoother experience at the polls. But the volume of absentee ballots also posed a considerable challenge to our local clerks as they rushed to bring on additional staff and worked hours of overtime in the weeks leading up to the election. In the 45 days leading up to November 3, our clerks ensured proper signature verification, and organized and prepared ballots for orderly counting on election day, all while issuing hundreds of thousands of ballots over the counter to a constant stream of customers.

When election day arrived, Michigan's clerks were ready. 3.1 million absentee ballots were awaiting tabulation in our absentee voter counting boards, as thousands of election workers in churches, schools, and fire stations across our state were opening the doors to another 2.4 million citizens. Statewide, there were no major equipment issues reported and very few lines or congestion in the precincts. Over 25,000 voters registered on election day using a secure process in local clerk's offices. The vast majority of absentee counting boards finished during the late-night hours of Tuesday, November 3, leaving all but the largest jurisdictions, with the heaviest volumes, working around the clock to report numbers the following day.

A Healthy Democratic Process

The November 2020 election was a success by every data point we can measure by. It shines as an example of the hard work, dedication, and resilience of our local election administrators. As we look to the future, it is the responsibility of us all to ensure that our democratic process remains healthy and strong.

This means that citizens must continue stepping up, holding election officials accountable, and offering their time and services to make the process work. Local leaders must ensure their election officials have the resources and support they need to perform this critical function, and political leaders at every level must do the responsible work of looking at the facts, speaking the truth, and standing up to those who do not. 

Justin Roebuck (R) is the Ottawa County Clerk. You may contact him at 616.994.4537 or jroebuck@miottawa.org.


Voter File. Once they are issued a ballot and that ballot is returned, the signature is again verified against what is on file. If there are any issues with matching those signatures, the local clerk contacts the voter to find a remedy to the matching issue before that ballot is accepted.

In addition to the pre-election safety measures, the results of the election are verified and made official by bipartisan county boards of canvassers. They go over the results of the elections precinct by precinct, ensuring that there is only one ballot for every voter and one voter for every ballot. They also can call local clerks in for questioning and retabulate the results of a precinct if they believe there to be a discrepancy.

Post-Election Audits

After the results are confirmed by the county boards of canvassers, they are approved by the State board of canvassers. Then the post-election audits begin. After each election, hundreds of precincts are chosen at random from throughout the state and the paper ballots are re-tallied by hand and the results verified. In addition, documentation and processes are verified to ensure that the local clerks have proceeded by the book.

Finally, when the precinct audits have been completed, Michigan also uses a risk-limiting audit to again verify the result of the election. This involves using an algorithm to select ballots at random from across the state, recording the results and checking to ensure that they confirm the expected result from the election to a high degree of statistical certainty (they did).

The more you know about elections, the more comfortable you will be in reassuring your constituents that they are safe and secure. Please do not hesitate to reach out to your local or county clerk to learn more. 

Barb Byrum (D) is the Ingham County Clerk. You may contact her at 517.676.7215 or BByrum@ingham.org.



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W001601

VOTING DISTRICTS DRAWN A NEW WAY BY THE PEOPLE, FOR THE PEOPLE

By Edward Woods III



Every 10 years, right after the U.S. Census Bureau's population count, new boundaries are drawn in Michigan and other states for Congressional, state Senate, and state House voting districts. These districts decide which areas and groups of voters will be represented by the officials elected to office.

Who Is the MICRC?

The new Michigan Independent Citizens Redistricting Commission (MICRC) oversees the process of redefining voting boundaries on behalf of the voters.

The MICRC draws district lines for the Michigan House, Michigan Senate, and for the U.S. House of Representatives in Michigan. The MICRC is the only entity authorized to draw and adopt redistricting plans for the state of Michigan.

Randomly selected from over 9,000 applicants, the MICRC is comprised of 13 citizens from across the state of Michigan. They include four people who affiliate with the Democratic party, five who do not affiliate with either major party, and four who affiliate with the Republican party. The members of the inaugural MICRC are:

- Douglas Clark, retired operations and development manager
- Juanita Curry, retired specialized foster care worker
- Anthony Eid, medical student
- Rhonda Lange, real estate broker
- Steven Lett, semi-retired lawyer
- Brittnei Kellom, entrepreneur and trauma practitioner
- Cynthia Orton, college student
- M.C. Rothhorn, financial cooperater
- Rebecca Szetela, lawyer
- Janice Vallette, retired banker
- Erin Wagner, household engineer
- Richard Weiss, retired auto worker and handyman
- Dustin Witjes, payroll specialist

The inaugural MICRC staff includes Executive Director Suann Hammersmith, General Counsel Julianne Pastula, and Communications and Outreach Director Edward Woods III.

Michiganders made history by voting overwhelmingly in 2018 to take control away from politicians and create for themselves new district maps that are more reasonable and fairer to voters.

Why Redistricting?

Historically, politicians have drawn the voting boundaries, and often have been accused of gaining unfair political advantage. That's known as gerrymandering, which means manipulating electoral borders to skew voting outcomes. Gerrymandering can split counties, cities, townships, and even neighborhoods.

Gerrymandering examples:

- A majority party uses its larger numbers to guarantee the minority party never gets a majority in any district.
- A party uses gerrymandering to protect incumbents, a practice widely known as politicians choosing their voters instead of voters choosing their politicians.
- Gerrymandering can be used to help or hinder groups according to race, ethnicity, religion, class, political leanings, etc.

None of these examples are fair.

How Will the MICRC Adopt Maps?

To prevent gerrymandering, the Michigan Constitution outlines the specific criteria and procedures the MICRC must utilize when proposing and adopting a redistricting plan. The constitutional criteria are listed below in order of priority:

- a. Districts shall be of equal population as mandated by the United States Constitution and shall comply with the voting rights act and other federal laws.
- b. Districts shall be geographically contiguous. Island areas are contiguous by land to the county of which they are a part.

- c. Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
- d. Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.
- e. Districts shall not favor or disfavor an incumbent elected official or a candidate.
- f. Districts shall reflect consideration of county, city, and township boundaries.
- g. Districts shall be reasonably compact.

After developing at least one plan for each type of district there will be a second round of public hearings. The MICRC is required to hold at least five public hearings throughout the state for the purpose of soliciting comment from the public about the proposed plans being considered for redistricting the U.S. House of Representatives, Michigan Senate, and Michigan House districts.

The Constitution also requires that before the MICRC votes on any redistricting plan, it must publish the plans and provide a minimum of 45 days for public comment on the proposed plan or plans. To adopt a final redistricting plan, it needs a majority vote of the MICRC that includes at least two commissioners who affiliate with each major party and two commissioners who do not affiliate with either major party. If this is unattainable, the commission will follow the procedures outlined in the Constitution to adopt the final maps.

Public comment session in Warren.





Public comment session in Lathrup Village.

Who Should Participate?


Any Michigan resident with an opinion about how voting maps should be drawn in their district is urged to share their views with the MICRC. Citizen perspectives are wanted and needed to help commissioners make the best decisions for voters who expect and deserve fair representation. Communities of interest (COIs) are encouraged to weigh in on the process. COIs are groups who share specific characteristics, such as particular economic, cultural, or historical.

How to Participate

- Voice your opinions in-person to commissioners at any MICRC public hearing or meeting (onsite sign up is required).
- Make your comments remotely during a hearing. Sign up is required at MICRC—Michigan Independent Citizens Redistricting Commission.

- Submit written statements or proposed maps online at www.Michigan.gov/MICRC.
- Mail written statements or proposed maps to: MICRC, PO Box 30318, Lansing, MI 48909.

Learn More about Michigan Redistricting

- Ask MICRC commissioners to make a presentation in your community or to your group, in person or online.
- Visit www.Michigan.gov/MICRC
- Call (833.YOU.DRAW [833.968.3729])
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 - https://www.youtube.com/results?search_query=micrc 



Edward Woods III is the communications and outreach director for the Michigan Independent Citizens Redistricting Commission. You may reach him at 517.335.3333 or WoodsE3@michigan.gov.



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CAMPAIGNING WITH A PURPOSE: PUBLIC EMPLOYEES/OFFICIALS SUPPORT OF BALLOT PROPOSALS

By Christopher Trebilcock

Michigan's 1963 Constitution continued the tradition of direct democracy, including the power to amend the Constitution and propose and repeal laws by petition of electors through initiative and referendum. In addition to these statewide initiative powers, Article VII, Section 22 granted this authority to local units of government, where bond issues and charter amendments are regularly presented to voters. Ballot initiatives in Michigan at the state, regional, and local levels are regular and routine.

Since adoption of the 1963 Constitution, 33 initiatives for constitutional amendments, 14 statutory initiatives, and 10 referenda have been placed on the ballot for consideration by Michigan electors.¹ This is in addition to the 43 proposed constitutional amendments and 14 referenda placed on the ballot by the Michigan Legislature.² Not included in these numbers are the 10 times the Legislature adopted a statutory initiative during the 40-day period after the initiative was presented by the Secretary of State to the Legislature to either adopt or reject. This later process was used most recently to repeal the 1945 Emergency Powers of Governor Act (EPGA) used by Governor Whitmer to respond to the COVID-19 pandemic.

What often comes with these direct legislative efforts is the desire and need for local government officials to weigh on a proposals' merits, including passing resolutions, holding forums, and publishing summaries regarding the substance of the proposal. The recent statewide ballot initiative to repeal the EPGA saw local officials at all levels speak in support of and against the initiative. For example, Macomb County Executive Mark Hackel supported the initiative, saying "No one person should have endless authority and ability to bypass another branch of government."³ But when does expressing support or educating the public about an initiative violate the prohibition against using public resources for political purposes under the Section 57 of the Michigan Campaign Finance Act?



"...public officials can generally issue communications to voters using public dollars if the communications contain factual information regarding the election, the proposal, and what impact either its passage or defeat will have on the public body."



In general, ballot proposals are more likely to succeed if there is an active campaign within the community voicing strong support for the measure. These campaigns typically include the traditional “yard sign” wars, direct mailers, and other direct voter contact. Often, leading public officials in the community who are supporting the proposal are asked or seek to take all steps necessary to ensure the passage of the proposal. When this happens, any public employee or official must proceed cautiously to ensure that he or she does not violate the Michigan Campaign Finance Act.

Until 1995, there were no statutes which expressly prohibited using public funds to support or oppose ballot proposals or candidates. Without statutory guidance, questions related to the use of public funds in election proposals were often referred to the Attorney General of the State of Michigan. In 1987, the Attorney General issued an opinion addressing a series of questions regarding the permissible interactions between a school district and independent political ballot or candidate committees relating to election proposals.⁴ The following year, the Attorney General opined that a governmental unit “can expend public funds to inform their electors in a fair and objective manner of the facts surrounding an upcoming ballot proposal.”⁵

Legislature Addresses Public Campaigning

In 1995, the Michigan Legislature amended the Campaign Finance Act to prohibit a public body from using public funds or resources to make a contribution to an individual candidate or a ballot question campaign. In 1996, the statute was amended to clarify what is permissible under the law by adding a list of activities which can be done without violating the Campaign Finance Act.

In essence, these Campaign Finance Act amendments codified much of the content of the old Attorney General opinions. Section 57 of the Campaign Finance Act prohibits public employees from using funds, personnel, office space, computers, or other public resources to make a contribution or expenditure for political purposes. This prohibition, however, explicitly exempts opinions of public employees with policy making duties, the production of factual information regarding city services and functions, the leasing or use of public space by candidates provided that all candidates are given equal treatment, and public employees who engage in political activities during his or her personal time. To encourage compliance, Section 57 imposes significant fines and criminal penalties to individuals and public bodies for violations.

At first blush, the language above suggests that public officials are virtually banned from most campaign activities. However, public officials seeking to advocate for a proposal can find solace in the fact that “specifically excluded from the definition of expenditure is any expenditure on a communication on a subject or issue if the communication does not support or oppose a ballot question by name or clear inference.” MCL 169.206(2)(b). The Secretary of State has consistently reaffirmed that it is required to “apply the express advocacy test to communications financed by public bodies.” *Interpretive Statement to David Morley* (Oct. 31, 2005). Under this test, communications are outside the reach of regulation by the Secretary of State unless it urges votes to “vote yes,” “vote no,” “elect,” “defeat,” “support,” or “oppose” a ballot question. The Secretary of State will look solely at the substance of the communication and not examine the broader context or implication of the communication.

¹ https://www.michigan.gov/documents/sos/Initia_Ref_Under_Consti_12-08_339399_7.pdf [last visited June 5, 2020].

² *Id.*

³ “Macomb County’s Hackel, a Democrat, backs petition to limit Whitmer’s emergency power,” *Detroit News*, Sept. 2, 2020 (available at <https://www.detroitnews.com/story/news/politics/2020/09/02/hackel-democrat-backs-petition-limit-whitmer-s-emergency-power/5698504002/>, last visited July 22, 2021).

⁴ OAG Opinion No. 6423 (February 24, 1987).

⁵ OAG Opinion No. 6531 (August 8, 1988).

Dos and Don'ts

Public officials can generally issue communications to voters using public dollars if the communications contain factual information regarding the election, the proposal, and what impact either its passage

or defeat will have on the public body. Moreover, the prohibition on using public monies to support or defeat a ballot proposal does not prevent certain high-level officers and employees from expressing their opinions.


For example, nothing prevents a city council member or city

manager from standing

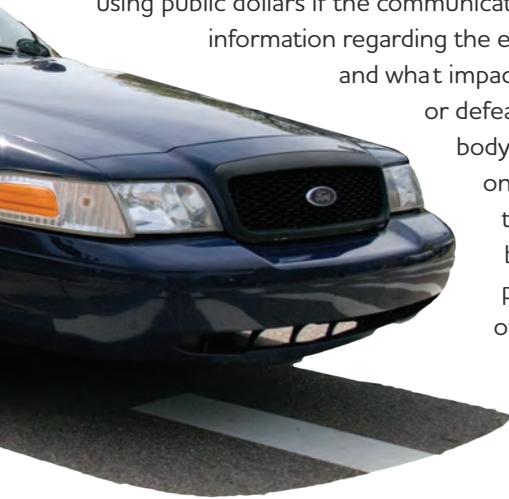
up at a public meeting and telling

the gathering that, in his or her opinion, the city needs to ask for a millage increase, and the voters need to support it.

Although there are opportunities to carefully use public time and money to further educate the electorate on a proposal, public employees and officials should also keep the following additional guidelines in mind:

- (a) Non-policy making staff may not take "official" time (i.e., time away from their regular jobs) to participate in campaign committee activities, as this would constitute an inappropriate expenditure of public funds. Nothing would restrict the ability of these individuals to work in any way on the campaign on their own time.
- (b) The public body may provide information to individuals and/or a campaign committee which is publicly available in the same manner as it would provide information to anyone else requesting the information.
- (c) The campaign committees may meet at public facilities only to the extent that and on the same terms as any other group could use the same facilities. If the public body incurs any expense in providing meeting space to the committee, the committee must reimburse the public for that expense.
- (d) The public body should not place links to campaign-related websites on its website. 

Christopher Trebilcock is a principal attorney with Clark Hill. You may contact him at 313.965.8575 or ctrebilcock@clarkhill.com.



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The Ann Arbor City Clerk's Office at U-M Museum of Art—A Collaboration across Arts, Social Science, and Local Government

By Jacqueline Beaudry

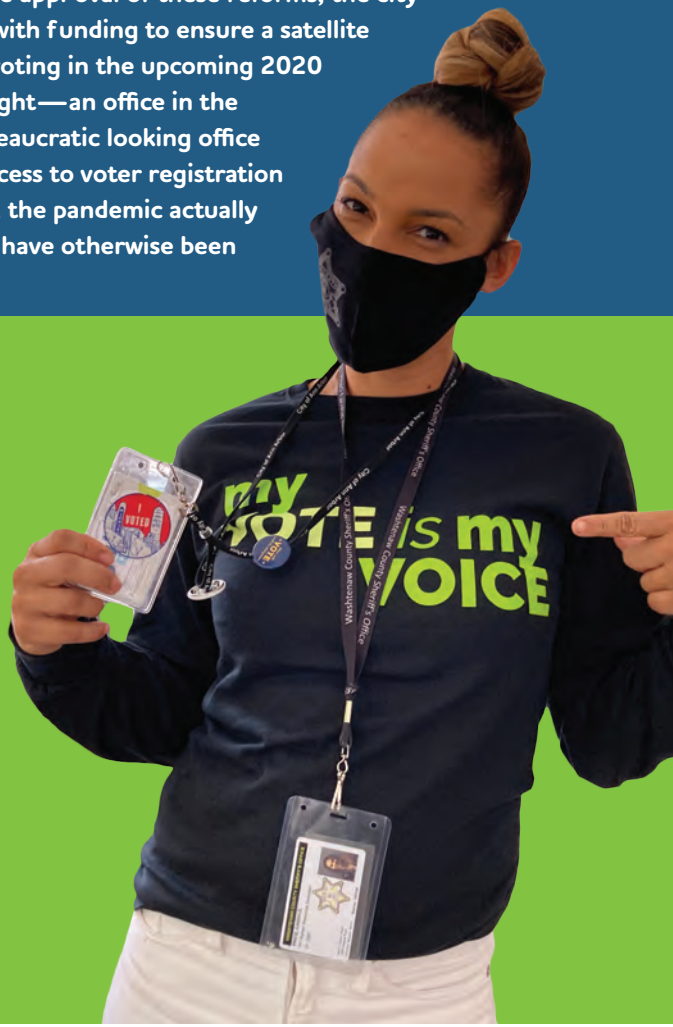
The Ann Arbor City Clerk's satellite voting office at the University of Michigan Museum of Art (UMMA) evolved from a need to implement new voting reforms, primarily focused on student voter registration, to an artistic collaboration across many university departments, city hall, and advocacy groups. The end result was an aesthetically pleasing, welcoming civic space that engaged new young voters in the democratic process and promoted voting on campus during the pandemic.

Creating a Satellite Clerk's Office on Campus

Plans for a presence on the campus of the University of Michigan began to take shape following the passage of Michigan's Proposition 18-3 in November 2018. Quickly following the approval of these reforms, the city clerk's office, with support of the Ann Arbor city council, was provided with funding to ensure a satellite office was opened and resources were available for expanded hours for voting in the upcoming 2020 elections. Initial conversations about space were very traditional in thought—an office in the Michigan Union that might look and feel like the space at city hall. A bureaucratic looking office arrangement would serve the primary purpose of getting on-campus access to voter registration for students, but didn't promise to be super exciting either. Surprisingly, the pandemic actually worked in our favor to bring all of the partners together that might not have otherwise been

TURN UP TURNOUT IS A NONPARTISAN STUDENT GROUP THAT WORKS TO PROMOTE VOTER REGISTRATION, TURNOUT, AND EDUCATION ACROSS ALL 19 SCHOOLS AND COLLEGES AT THE UNIVERSITY OF MICHIGAN.

THE BIG TEN VOTING CHALLENGE IS A CONTEST THAT HOPES TO INCREASE THE NUMBER OF REGISTERED STUDENT VOTERS AND ENCOURAGE PARTICIPATION AT THE POLLS. IN 2018, THE FIRST YEAR OF THE CHALLENGE, THE AVERAGE STUDENT VOTING RATE ACROSS THE BIG TEN CONFERENCE SPIKED TO 43 PERCENT, SURPASSING THE NATIONAL AVERAGE RATE OF 40 PERCENT, AND MORE THAN DOUBLE THE 2014 RATE OF 19 PERCENT.





Left to right: Secretary of State Jocelyn Benson, Ann Arbor Mayor Christopher Taylor, Ann Arbor City Clerk Jacqueline Beaudry.

“The office, visible in the center of campus life, made it possible for students to register, request and receive an absentee ballot, vote, and return their ballot all in one visit.”

possible in a more “normal” year. Stephanie Rowden and Hannah Smotrich, professors with the Stamps School of Art and Design and founders of the Creative Campus Voting Project, learned that due to COVID-19 UMMA’s beautiful, glassed-in gallery in the center of campus wouldn’t be used and the idea of a satellite city clerk’s office in a museum gallery started to take shape. “Given our focus on using art and design to clarify and make the voting process more visible, the venue could not have been more fitting, and the project aligned beautifully with UMMA’s commitment to foster civic engagement,” said Rowden. In late July, city clerk’s office staff met with officials from the Museum and Stamps School, toured the gallery, and plans began to officially move in this new, exciting direction. From the city’s perspective, the office would be fully functional—all of the necessary tools to register voters and issue and receive ballots would be in place—but this new concept would also be a working display of democracy in the glass gallery for all to see and join. With support from the university administration and the Museum of Art, the satellite city clerk’s office was approved by Ann Arbor city council and officially opened on September 22, 2020, National Voter Registration Day. The grand opening celebration included representatives from the city, U-M, and UMMA, as well as Ann Arbor Mayor Christopher Taylor and Secretary of State Jocelyn Benson.

Enticing New College-Age Voters

The artistic design of the office and its location at the Art Museum in the heart of U-M’s central campus was focused around a vision to create a welcoming and reassuring experience for new college-age voters. The office, visible in the center of campus life, made it possible for students to register, request and receive an absentee ballot, vote, and return their ballot all in one visit. Every detail was considered in the design, making the office both functional and beautiful. Design elements included new easier to read forms, instructional tables, and a step-by-step banner at the drop box to ensure ballots were signed, sealed, and ready for submission.

Statewide Ballot Proposal 18-3 gave Michigan’s residents the ability to vote by absent voter ballot without having to provide a reason.


Throughout the process, students had access to peer volunteers working with campus organizations such as Turn Up Turnout and the Big 10 Voting Challenge, as well as official city clerk’s office staff who were on hand Monday through Friday, 10 a.m. to 7 p.m. plus several Saturdays to register students and issue ballots. Over the 40-day period, the satellite office registered over 5,000 new voters and collected 8,501 ballots at its drop box. Bringing the democratic process to the students made for a better election day experience for everyone involved, including the clerk’s office, the students, and the entire Ann Arbor community.

Student Experience

Many students shared their excitement and positive experiences at UMMA with their peers and helped to spread the word about the importance of participating in democracy, encouraging more students to get out and vote. Staff were regularly informed by students who were there to register and vote that they had seen social media posts about the satellite office from their friends and that had inspired them to come out and register to vote as well.

Rowden and Smotrich conducted surveys of students who had visited the office at UMMA, and students reported feeling that the experience made them trust the process and they felt comfortable in the space. "It felt like a place where students were invited and meant to be," said one survey respondent. Words like "welcoming," "easy," and "clear" were chosen to describe the process.

Following Election Day, November 3, the office was quickly closed up and the glass gallery was returned to its intended use for artistic displays. Just as quickly, conversations began about the great success of the project and plans for 2022 and beyond were part of that discussion. A big takeaway for the city was the ability to be present and available for a longer period of time, minimizing the impact of same-day voter registration in a college town. Bringing our office to our new voters, meeting them where they are and not expecting them to find us at city hall, was a big win-win for everyone. A long-time relationship between the city clerk's office and the university was critical, but new partnerships with the arts community and the Museum and a willingness to take a chance on a different approach to the office were equally fundamental to the project's success.

The city and university are currently holding conversations to secure the space for the same period of time for 2022, recognizing the benefits of the project for all involved. A similar smaller concept is also being considered for the university's north campus community. The presence on north campus is also expected to have artistic design elements and a creative approach. 

Jacqueline Beaudry is the Ann Arbor City Clerk. You may reach her at 734.794.6140 or JBeaudry@a2gov.org

**Register.
Request a ballot.
VOTE early!**



Photo courtesy of Eric Bronson, U-M Photography.

Many students shared their excitement and positive experiences at UMMA with their peers and helped to spread the word about the importance of participating in democracy, encouraging more students to get out and vote.

The League has compiled the resources on its Diversity, Equity, and Inclusion page in support of our members as we move together toward a better understanding of racial injustice in our communities, and our role in correcting it.

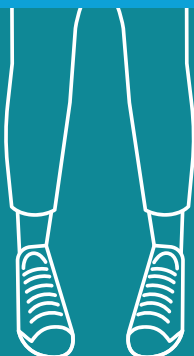


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KALKASKA
pop. 2,132

STERLING
HEIGHTS
pop. 134,346

MUNICIPAL CLERKS

The Titans of Local Government

By Liz Foley

Pop quiz: what does a municipal clerk do?
Answer: You name it—it's probably on the list.

The clerk is the Swiss army knife of municipal workers, the heavy lifter who keeps local government humming along. The occupation is as diverse as the municipalities themselves. Like the hidden gears in a complex machine, they do much of that work out-of-sight of the public eye, toiling beneath the radar to simply Get the Job Done. So, here's a closer look into the daily lives of two of these hard-working desk soldiers, and how the past year impacted their roles.

Clerk of All Trades

In a rural Northern town of just over 2,000 residents, it's no surprise that Kalkaska Village Clerk Angie Koon is pretty much a one-woman show. She spent her first seven years as a records clerk for the police department before taking on the broader duties that led to being sworn in as village clerk in 2010. Along the way she also assumed the duties of payroll clerk, utility billing supervisor, and benefits coordinator/human resources director. "As a clerk in a small community, I find myself performing duties that would likely be spread out among other staff in larger offices," said Koon.

She might be described as less a trained specialist than a self-taught jack-of-all-trades. “That is definitely how I feel daily, yes! My degree (B.A. in English) certainly relates to drafting minutes, documents, etc. However, the payroll and human resources aspects were not in my wheelhouse and there are always new pieces of information to be gained in these areas.”

In fact, Koon estimates less than half her time is spent on typical clerking duties—recording minutes, preparing agenda packets, and drafting resolutions and ordinances. More goes into handling payroll and employee benefits.

“Additional typical daily duties include assisting the administrative assistant with balancing payment receipts from the previous day; scheduling committee meetings; assisting with utility billing matters such as drafting work orders and maintaining the customer database; and generating accounts receivable invoices. I do also work closely with the treasurer, particularly during the audit, gathering requested data.”

She does it all by being well-organized.

“I’m a good list maker. I prioritize before I leave the office what I need to get done the following day,” she said. “But even then, things don’t always go as planned. There’s no such thing as an average day.”

Clerking Through COVID

For Koon, the pandemic impacted her job more than anything else in 2020.

Suddenly, village offices were closed to the public, with several months where only Koon and one other staffer came in to check drop boxes and mail. “The biggest thing was how to handle water bill payments. We’d always had an after-hours drop box, but the pandemic forced us to get an online credit card system up and running for utility payments,” she said. “People love that now. In fact, we got everything running so smoothly by remote that even though we’ve been back fulltime for several months, our walk-in traffic is still a lot less than it ever was.” It was also her job to ensure the switch to remote meetings fully complied with the Open Meetings Act.

“The transition to remote meetings after doing them in person for so long was an adjustment, not being in the room with the others. The technical aspect took getting used to, but after a while it became almost second nature.”

Some changes have turned out to be lasting improvements. For example, she now arranges Zoom meetings with applicants to be sure everything is in order prior to each planning commission site plan review.

“If there was anything good to come out of last year, it was finding other ways to do things that actually work better for us,” she said. “There were a lot of changes and we had to adapt...that’s what a clerk does. From week to week, and on a daily basis, I might be doing something I’ve never done before. You have to be very multi-faceted, ready for anything.”

ANGIE KOON

Clerk, Village of Kalkaska

Population: 2,132

Appointed in 2010

Primary Duties

- Clerk of the village council
- Clerk of the planning commission & brownfield redevelopment authority
- FOIA coordinator
- Payroll clerk
- Benefits coordinator/human resources director
- Utility billing supervisor

“There’s no such thing as an average day...you have to be very multi-faceted, ready for anything.”

-ANGIE KOON, KALKASKA VILLAGE CLERK





“...those of us who find our way here [clerking] are some of the most loyal and dedicated public servants you will ever meet.”

-MELANIE RYSKA, STERLING HEIGHTS CITY CLERK

Municipal Glue

It takes years of experience and professional training to help run Michigan's fourth largest city. Sterling Heights City Clerk Melanie Ryska is a powerhouse manager whose office handles more than 200 Freedom of Information Act requests and 2,000 business licenses every year. One city council packet can be up to 600 pages long, and she attends and records the minutes of every meeting, twice a month.

She and her four-person staff handle the paperwork for 26 different boards and commissions, process nearly 750 death records annually, oversee city dog licensing, and are now an official Passport Acceptance Agency.

But first and foremost, Ryska administers elections. In fact, that's where her municipal career began back in 2002 in another metro Detroit suburb.

"I started with packing election supplies seasonally in the City of Hamtramck. I quickly fell in love with elections and began to learn about other aspects of city government," said Ryska. "I take pride in being able to help people navigate through elections and other city functions. No one ever grows up with the intention of being a city clerk. But those of us who find our way here are some of the most loyal and dedicated public servants you will ever meet."

The biggest challenge?

"Not enough resources. Whether it be for the continuous unfunded mandates imposed by legislation or lack of acknowledgment of the needs of clerk's offices to perform their duties properly, clerks consistently have to find ways to do more with less," she said. "It is hard to justify the need for additional resources for functions that people do not see. Yet it is the work of a clerk's office that is the glue that holds all the pieces together."

Counting Every Vote

Without a doubt, the November election was the past year's single biggest event for Ryska and countless other municipal clerks. For clerks, all elections begin a year in advance, determining and reserving spaces for each specific election function. Six months prior, precinct locations are confirmed, and any conflicts resolved. Four months prior, election supplies

are inventoried and ordered. Over the next few months leading up to election day, everything necessary for the absentee voter process is prepared and launched; temporary staff is recruited, hired, and trained; physical equipment and software is tested and readied before the actual balloting process begins in earnest. Election day is followed by the certification process and up to two months of audits and recounts if necessary.


"A work week could be 60 hours depending on the election. For the last one I pretty much lived at city hall. I contemplated putting up a cot and just saying 'see you all in the morning,'" she said, laughing. "Elections is one industry where there is no room for error, for an error may destroy your reputation and career. I have yet to see another industry where public scrutiny can

have such a profound impact."

2020 was the most challenging yet, she said. "I have played a key role in administering 49 elections in my 19-year career. Through all the constant changes, I can honestly say that I have never experienced the same level of public scrutiny, amount of misinformation, and unyielding doubt that I experienced in 2020."

The fallout isn't over.

"Every piece of election legislation on the table right now impacts clerks. I believe there are over 100 different bills on the table, some good and some bad, that will affect how we run elections in the future," she said.

"I think the job will only get tougher and more complicated. There are unintended consequences to any legislation passed and that's historically been the case. Clerks need to pay attention to what's happening legislatively... it's a process that directly impacts them, and they have a say and a voice." 

Liz Foley is a freelance writer. You may contact her at 810.287.8549 or lizfoley2@gmail.com.

MELANIE RYSKA
Clerk, City of Sterling Heights
Population: 134,346
Appointed in 2017

Primary Duties

- Clerk of the city council
- Clerk of 26 boards & commissions
- Keeper of records
- FOIA coordinator
- Elections administrator
- Business licensing
- Death records
- Dog licensing



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Election Security:

Recently, the Local Democracy Initiative Cities Vote team spoke with Lewis Robinson, the Vice President of Elections Operations at the Elections Infrastructure Information Sharing and Analysis Center® (EI-ISAC®). The EI-ISAC was established in 2018 to support the cybersecurity needs of the elections subsector. The EI-ISAC is one of many ISACs, which were first created in response to Presidential Decision Directive-63 (PDD-63) in 1998, which asked each critical infrastructure sector to establish sector-specific organizations to share information about threats and vulnerabilities. In addition to the EI-ISAC, local governments may also participate in other relevant ISACS, including the Multi-State ISAC for State, Local, Tribal, and Territorial Governments, the Surface Transportation ISAC, or the Water ISAC.

Where can local leaders start in developing and integrating a cybersecurity plan into emergency preparedness?

Many jurisdictions already have plans in place for hurricanes, tornadoes, and power outages as required by their state election office. Local leaders should add a cyber incident response component to their existing Incident Response Plan. They can contact their local or state emergency management office for assistance in crafting their response plan. Another resource for developing a cyber incident response plan is the CISA *Cyber Incident Detection and Notification Planning Guide for Election Security*. The key here is to work with their local or state Emergency Management offices, who are continually doing incident response planning.

Each organization has many risks they need to consider, and that includes the costs associated with preparing for, responding to, and mitigating a cyber incident. Local leaders have to decide where on the risk matrix it falls, and what resources to allocate.

In addition, we recommend that poll workers have basic cybersecurity training to understand the various cyberthreats and the response to those threats—including basic cyber hygiene knowledge. Poll workers should receive basic security awareness training to assist in spotting suspicious activity or responding to a security incident at a polling place. Whether it's a fire, a power outage, or something else, they should have the ability and the knowledge to respond to a variety of incidents.

How easy is it to hack a voter registration list, poll book, or vote tabulation system?

Whether something is “easy to hack” is really a measure of risk. Risk is unique for each system and for each deployment of that system. We did an assessment of the risk environment when we first developed our *Handbook for Elections Security* and the individual systems themselves are hardened against potential risks, such as hacking.

On the whole, election systems use the same consumer off-the-shelf systems you use every day, so they are just as susceptible to hacking as any other technology system; it's the controls in place around those systems, as well as the backups involved, that ensure security and integrity in election systems. The online voter registration system is not the authoritative list, the authoritative list is usually stored offline and states run data guards and anomaly checks before copying from the online system to the offline system for storage. The vote tabulation systems have logic and accuracy tests conducted before deployment, at the opening of the polls, the closing of the polls, and before being returned to storage, to ensure the software has not been tampered with. Ultimately, risks are reduced by employing technical, administrative, and physical controls. Through our efforts to help election officials, we have seen tremendous risk reduction since 2016.

Preparing for Cyber Incidents

What is the worst-case scenario for a local elected official when it comes to cybersecurity?

The biggest threat and worst-case scenario for an election official is a ransomware attack—which can potentially cost millions of dollars. That affects their jurisdiction, and they lose access to critical systems during an election period. If their systems lock down and they cannot get into the system, they are unable to conduct the election until the system is back online. Ransomware is a huge problem, not only here in the United States, but internationally. It is important to have backup systems and to have this information available, so if your system is locked, you can reestablish it.


What can localities with limited resources and outdated equipment do to shore up security for elections?

Localities that are faced with these limitations can take advantage of the low-cost or no-cost services available to them such as email security from Microsoft's *Defending Democracy* program, Google's *Protect Your Election* program, Web Application Protection from Cloudflare's *Athenian Project*, and by becoming a member of the EI-ISAC to receive cyberthreat information and cybersecurity services, such as our Malicious Domain Blocking and Reporting service. They can visit www.cisecurity.org/elections to learn more about our no-cost EI-ISAC membership. Since we are adding new features and services to the EI-ISAC membership on a regular basis, those that are already EI-ISAC members can contact us at elections@cisecurity.org to explore if there are additional cybersecurity defenses appropriate for their organization.

What are the most overlooked aspects of cybersecurity at the local level?

The most common challenges for local entities, which some organizations adhere to, but is worth underscoring, is the necessity of providing easily available technical resources to ensure that software and hardware patches are up to date and limit the usage of end-of-life and end-of-maintenance software and hardware. Recurring security awareness training must be happening in addition to vigorous random phishing campaigns to make sure their staff are applying the lessons of the training.

Can you describe some of the advantages of joining EI-ISAC?

Members receive access to threat information from the federal government and our monitoring of over 700 state, local, tribal, and territorial networks to provide targeted information on the threats impacting election officials. They can also monitor for cyberthreats and vulnerabilities on the open Internet. And they have access to no-cost incident response assistance through our CIRT team and as part of a collaborative partnership among the membership to engage on best practices, lessons learned, and issues impacting their jurisdiction. 

This article was originally published by the National League of Cities on CitiesSpeak.



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Voting has always been the foundation of our civic duty. We are taught from a young age to take pride in the unique responsibilities we are privileged to have as Americans in a true democracy. Voting is the action we take to ensure our voice is heard. Fulfilling this responsibility is our contribution to the improvement and prosperity of our communities. For centuries, Americans of all backgrounds have contributed to the effort to retain and expand access to that inalienable right.

As our country evolved, our society progressed. The 19th Amendment gave women the right to vote. And the crowning achievement of the civil rights movement, the Voting Rights Act, allowed African Americans unobstructed access to the voting booth. We must not slow down the momentum in seeking further equity in our elections. There are many barriers to address, and apparent inequities that threaten what we've accomplished thus far.

Local leaders must be focused on policy at the state and federal level that encourages us to sustain and improve access to voting. As local leaders, great responsibility falls on our shoulders. Not only are we stewards of the electoral process, but the communities that we lead are the greatest beneficiaries of successful elections. Elections allow our residents to create the blueprint for the communities they want to see, to elect the leaders that inspire them, and to invest in the priorities that make us all proud to call where we live home.

Furthering the Momentum in Elections Equity

By Lois Allen Richardson



Municipal Leaders

As deeply as we engage in promoting access to elections within our local communities, equal attention must be focused on our state and federal decision-makers. It is the policy initiatives at that level that determine how meaningful elections can be for the long-term health of our communities. Election outcomes are integrated into every aspect of our lives—from how we fund local and regional transit to the millages that determine how our public safety and educational institutions are funded. Voters prioritize the economics of business and life, and amplify which barriers are limiting our neighbors and holding back our opportunities for success.



The more diverse our electoral participation is, the more equitably our communities will operate. According to the Michigan Secretary of State, in 2018 Michigan's electoral turnout was only 55 percent. How effective would our local councils be if only half the members showed up to vote, or if only half of the Legislature voted on the policies that govern our state? Would our diversity be adequately represented? Would only those with the means to feasibly do so participate? Barriers and limitations, whether systemic or circumstantial, will always be present. Our role, both as citizens and as leaders, must be to ensure that our citizens are informed, engaged, encouraged, and empowered to participate.

2018 was also the year Michiganders overwhelmingly passed Proposal 3, which allows a citizen who is qualified to vote in Michigan to become automatically registered to vote when applying for, updating, or renewing a driver's license or state-issued personal identification card, unless the person declines; and obtain an absent voter ballot without providing a reason. This was a significant step forward for equity in our elections with greater than 66 percent of voters in support.

Rather than admonishing our local clerks by drawing suspicions by peddling divisive and unfounded conclusions regarding the 2020 elections, we should be celebrating and supporting their efforts. To maintain efficient and secure elections in a pandemic is no easy feat, and to improve voter turnout during that time is commendable. Both independently, and with the support of the League, local leaders consistently advocated for increased support to municipalities: increased funding for equipment; to hire staff as needed; and to support disabled voters or those with language barriers—all priorities that have been magnified before.

Election Policy

Election-related legislation currently in both the House and Senate does not respond to that need. Unfortunately, the proposed policies disregard the input of our local clerks and municipal leadership. Current legislative proposals—such as the Senate's 39-bill Election Reform Package—seek to


dismantle reforms eagerly supported by Michigan's voters in 2018, further limit our collective political understanding, wage partisan attacks on dutifully elected government leaders, and sow distrust in municipal leadership. As a mayor, I see the trickle-down effect of these actions. It leads to the direct disenfranchising of communities from the ground up. Voters determine who will have authority over our lives for the next two, four, or six years. The decisions our leaders make have a long-lasting impact on our communities beyond their terms of office—and take even longer to correct.

Michigan isn't Georgia or Arizona, but we are balancing many precarious issues: the condition of our environment; methods of emergency management; and declining investment in infrastructure, public safety, education, and more. Without the meaningful, equitable, and intentional participation of our state's entire electorate, we will never fully embrace the policies that will sustainably improve the prosperity of our state. It depends on local leaders—not clerks alone—to hold accountable the state and federal legislators that have been woefully negligent in potential outcomes of their proposed policies.

We must stand up to those making accusations of electoral fraud and radically embracing misinformation that seeks to diminish the integrity of our clerks and municipal leadership.

Our communities are the strongest when we are inclusive. Not only with attention to folks of color, but with consideration to those of varying ages, social-economic backgrounds, ability, and education levels.

Every individual's participation contributes

to the fulfillment of our mission—the success of our communities and collectively a better state. 

Lois Allen Richardson is the mayor of the City of Ypsilanti and the president of the Michigan Black Caucus of Local Elected Officials (MBC-LEO). You may contact her at 734.483.1100 or Lrichardson@cityofypsilanti.com.

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Michigan Municipal Speed Limits: The Courts and The Legislature

A deputy sheriff stopped Anthony Michael Owen (defendant) for allegedly driving 43 miles per hour in a 25-mile-per-hour zone in the Village of Saranac. As a result of the stop, defendant was given a preliminary breath test which he failed. He was arrested for two alcohol-related offenses. The defendant moved to suppress the evidence obtained against him on the basis that the deputy had no lawful basis for stopping him since the speed limit on the unposted road was 55 mph pursuant to the statutory general speed limit under MCL 256.628(1).

Evidence indicated that Saranac had no public record of any modification of the statutorily defined speed limits under MCL 257.627 and that the road where the stop occurred lacked any speed limit signage within or without the village boundary visible to drivers traveling southbound. Testimony established that the speed limit was 55 mph but, if properly posted, would have been 45 mph. The deputy testified that he mistakenly believed that the speed limit was 25 mph since other streets in the village had 25-mile-per-hour posted speed limits.

After several hearings, the district court granted the defendant's motion to suppress the evidence and to dismiss the charges. The circuit court reversed that decision, and the defendant entered a conditional guilty plea and filed an appeal. Several procedural hearings followed and ultimately the matter was heard by the Court of Appeals.

At the Court of Appeals, the defendant argued that "the circuit court erred by vacating the district court's suppression and dismissal ruling because the deputy unlawfully stopped defendant in violation of his constitutional rights and that the circuit court incorrectly ruled that the deputy made a reasonable mistake of the law despite lacking a reasonable suspicion that defendant violated any law."

The Court of Appeals reviewed case law relative to the Fourth Amendment noting that "an investigatory stop, which is limited to a brief and nonintrusive detention, constitutes a Fourth Amendment seizure. "In order to effectuate a valid traffic stop, a police officer must have an articulable and reasonable suspicion that a vehicle or one of its occupants is subject to seizure for a violation of law." The Court noted that "reasonableness is a fact-intensive inquiry" and "that the basis for making a stop is known as reasonable suspicion." A violation of the Fourth Amendment requires suppression of "unlawfully obtained evidence."

The Court of Appeals also found that the deputy did not make a reasonable mistake of law since the Motor Vehicle Code in 2006 established the rule of law that speed limits for unposted roads was 55 mph. If properly posted the statutorily defined speed limit would have been 45 mph. Further, since 2006, villages could not have blanket village-wide 25-mile-per-hour speed limits within their boundaries.

The Court of Appeals held that circuit court erred "because analysis of the totality of circumstances in this establishes that the deputy lacked an articulable and reasonable basis for making the traffic stop. The deputy's subjective mistaken belief that the speed limit was 25 miles per hour lacked objective reasonableness." The Supreme Court denied leave to appeal.

People v Owen, COA: 339668, July 23, 2019; SC: 160150, December 30, 2020.

Editor's Note: MCL 257.627 which governs speed limits was amended in 2019. As of the preparation of this column, House Bill 4014 would amend MCL 257.628 which prescribes procedures for establishing speed limits on public highways and provides for exceptions to those general standards.

This column highlights a recent judicial decision or Michigan Municipal League Legal Defense Fund case that impacts municipalities. The information in this column should not be considered a legal opinion or constitute legal advice.

ARP Funds Dare You to Dream

By Rick Haglund

Local governments in Michigan are beginning to receive \$4.4 billion in federal stimulus money through the federal American Rescue Plan (ARP), an unprecedented sum designed to help cities, villages, townships, and counties recover from COVID-19, the worst U.S. public health crisis in a century. “I think it’s really an opportunity like we haven’t seen for a long time in this state,” said Dan Gilmartin, Executive Director and CEO of the Michigan Municipal League.

Some are calling the aid “transformational,” saying it could put many long-struggling municipalities on a stronger, sustainable financial footing and provide better services to residents. “I must admit that (ARP) can bring a lot of transformation to a city with a budget of \$40 million,” said Pontiac Mayor Dr. Deirdre Waterman, whose city is expected to receive \$37.7 million in ARP funds.

But many communities that have been used to operating for decades from a position of scarcity could find it difficult to spend this largesse in the relatively short time frame required by the law. And experts say the one-time money does not provide a needed fix to Michigan’s broken system of municipal finance. “Between a tax system that doesn’t reflect economic growth and revenue sharing that has been scaled back, we have a municipal finance system that is not sustainable,” said Eric Luper, president of the Citizens Research Council of Michigan.

How Can the Money Be Used?

Signed into law by President Joe Biden in March, the \$1.9 trillion federal relief program is designed to help lift the country out of an economic calamity caused by the COVID-19 pandemic. Local governments can use their allocations for a variety of purposes, including hazard pay for workers, replacing lost city income tax revenue, assisting local businesses and households, and upgrading infrastructure. That includes water and sewer systems, and broadband internet service. Money for local governments is being distributed in two payments, one this year and a second in 2022. Communities must decide how they will spend the money by the end of 2024 but have until the end of 2026 to expend all the funds. The money cannot be spent on cutting taxes, shoring up pension systems, or building new roads.

ServeMlCity

ARP goes well beyond past federal COVID relief programs that restricted spending to reimbursing municipalities for pandemic-related costs. “There’s more leeway for communities to spend these funds,” said Tim Dempsey, a vice president at Lansing-based Public Sector Consultants, which runs the Municipal League’s ServeMlCity program (see program details on p. 44). The initiative provides technical assistance to communities in navigating federal COVID funding programs. But just how much leeway communities have in spending ARP funds isn’t clear. The U.S. Treasury Department issued a government-speak “final interim rule” in May, giving broad outlines of how the money can be spent by local governments (see text box). But Dempsey and others expect Treasury will issue additional spending guidance by fall. “The more you dig into this, the more wiggle room you find,” Luper said.

U.S. Department of the Treasury Fact Sheet

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic; provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

May 10, 2021



“Yes, look at shoring up budgets, but more than that, think about how we can improve the human experience here in Michigan.”

DAN GILMARTIN
MICHIGAN MUNICIPAL LEAGUE
EXECUTIVE DIRECTOR & CEO DAN GILMARTIN


But spending a large amount of unexpected money has its own challenges. Municipalities should go slow and think strategically in developing spending priorities that will provide the best-long term return on investment and receive broad community support, Dempsey said. “It is a lot to navigate especially for small communities with no staff,” he said. “There are real challenges.” Dempsey and others also said communities should collaborate, pooling their ARP money to produce stronger regional outcomes. Gilmartin said at a recent Michigan State University seminar that Flint and surrounding communities could combine their federal rescue dollars to leverage as much as \$400 million for a variety of quality-of-life investments in a region hard hit by the devastating loss of auto industry jobs. The idea of vibrant, attractive communities “shouldn’t stop at municipal lines,” he said. But acting regionally isn’t easy in a state with more than 1,800 strong local units of government, all protecting their own turf. “The idea of working with other governments doesn’t come naturally,” Lupher said.

Future Considerations

Once local governments put spending plans in place, they likely will scramble to find enough workers to carry them out, both internally and externally. Many municipalities already are coping with bare-bones staffs in their building and engineering departments. And contractors that build water, sewer, and other infrastructure projects face a shortage of skilled labor. “Suppose that all of the 1,800 units of government decide to fix their water and sewer systems,” Lupher said. “There’s just not enough contractors to take on that work in a two-to-three-year timeframe.”

Communities should be wary of using the ARP funds to build community centers and other capital projects that require staffing and maintenance that they might not be able to afford in the future. “It’s like the curse of the lottery where you end up bankrupt because you incurred a lot of expenditures you couldn’t afford,” said Eric Scorsone, an MSU local government finance expert. “If (ARP funds) are used poorly or not used at all, we will have a lot of communities in serious trouble.”

Michigan municipalities have been financially strapped for so long, Gilmartin said he’s worried that some won’t think expansively in spending the windfall of federal money, or

maybe even reject funding. “We’ve been dealing from a position of scarcity in this state throughout our entire lives,” he said. “Folks are almost afraid to get out there and think big again.” But the ARP grants provide a rare opportunity for Michigan communities to improve livability, become more attractive to new residents, and make badly needed investments. “Yes, look at shoring up budgets, but more than that, think about how we can improve the human experience here in Michigan,” Gilmartin said. “I hope a lot of us do that.” 

Rick Haglund is a freelance writer. You may contact him at 248.761.4594 or haglund.rick@gmail.com.

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Opportunity in the Upper Peninsula InvestUP Drives U.P. Prosperity

By Marty Fittante

If pasties and smoked fish are what come to mind when you think of Michigan's Upper Peninsula, think again. Among the 10.5 million acres of forestland and 1,700 miles of Great Lakes shoreline are thriving businesses that serve the U.S. Department of Defense, Department of Homeland Security, and critical sectors across the nation, such as medical device, advanced manufacturing, aerospace, and technology. Many of these powerful economic drivers are also sources of groundbreaking research and innovation.

Despite the Upper Peninsula's assets, the region also faces challenges. Among them is an aging, declining population that puts the U.P. at risk for talent drain and future labor shortages. Although the region's 15 counties make up almost one-third of the state's land mass, they are populated by small villages and modest cities. Local economic development organizations are strong and active, but they are often constrained by resources and understandably limited by the boundaries of the communities they serve. This was the drive behind the creation of InvestUP: to harness all of the U.P.'s assets and boost opportunity by taking a holistic, region-wide approach to economic development, unconstrained by boundaries.

A Fresh Approach to Economic Development

InvestUP's mission is four-fold: to promote the U.P. as an outstanding place to live, work, and do business; to develop, retain, and attract talent; to grow business and prosperity; and to attract business and investment. The four strategic objectives are supported by 24 different policy directives. Collectively, the members of InvestUP represent 10 industry sectors and employ more than six percent of the U.P. workforce. They do business around the state and the nation and in each of Upper Peninsula's counties. InvestUP members also collaborate with many partners like the private sector, higher education, policy makers, and local government and community leaders.

Among its accomplishments, InvestUP has helped deliver new jobs and capital to Gogebic County, saved over 100 jobs in Menominee County, led an Industry 4.0 partnership with

Amazon, helped fast-track the opening of a COVID-19 testing lab at Michigan Tech, and administered millions to U.P. businesses through COVID-19 grant programs in partnership with local economic development organizations.

An Abundance of Resources

It is fortunate that the U.P. boasts a diverse array of sectors and a welcoming climate that's attractive to businesses and talent. Core industries across the region take full advantage of the remote terrain and abundant natural resources, as well as the renowned talent and Midwestern work ethic of U.P. workers.

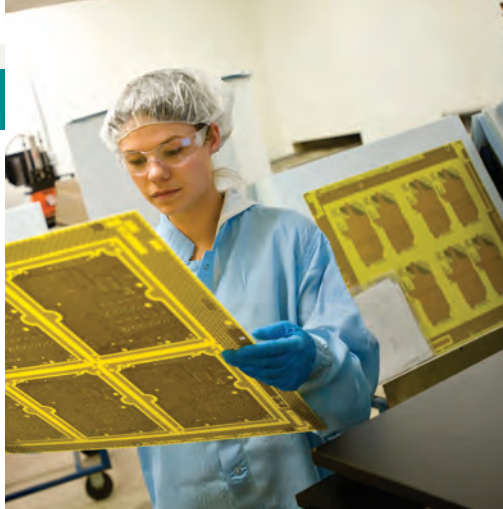
The Upper Peninsula offers business-friendly incentives, excellent R & D resources, a collaborative culture, and an environment that values innovation and fresh ideas. Collaboration between government, the private sector, and the region's four universities and four community colleges has yielded a strong entrepreneurial environment with three tech-driven SmartZones and six business incubators that offer support in transforming ideas into businesses.

Local institutions of higher learning are a key attraction for businesses. At the heart of the U.P.'s strong technology research community is Michigan Tech, a noted STEM-focused university that provides a pipeline of bright talent who support their professors in conducting leading-edge research. The prospect of a formal partnership with Northern Michigan University drew the Northcross Group, based in Portland, ME, to open an office in Marquette. The relationship will yield future high-paying jobs for local students. And, responding to a growing industry need, Lake Superior State University recently established a four-year robotics engineering program, only the second of its kind in Michigan.

With an incredible marriage of natural resources and four distinct seasons, the U.P. is also a valued site for security-conscious companies that conduct cold weather, open water, ground vehicle, and rugged terrain testing. And the vast forestland supports businesses that manufacture products ranging from furniture and kitchen cabinets to hardwood flooring for NBA Allstar, NCAA Final Four, and Olympics games.



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Engineer at Able Medical Devices, a Longyear Company. Headquartered in Marquette, Able is a global company offering an array of services and capabilities for the orthopedic and medical device industry.


InvestUP is a private sector-led economic development organization keenly focused on driving economic growth across Michigan's Upper Peninsula. Founded by the region's leading private sector businesses and the region's universities, its mission is to deliver business and job growth across the peninsula. Visit www.investupmi.com for more information.

A New Way of Working

InvestUP recognizes that there is power in collaboration—it makes the region stronger and more competitive. Its members work together to help solve problems that the private sector and individual communities can't solve on their own. InvestUP's collaborations transcend sectors, politics, and municipalities. The initiative continues to nurture strong working relationships with the private sector, local leaders, policy makers, and critical institutions and organizations, like its university partners and local economic development organizations. Last year, these relationships allowed InvestUP to work with nearly two dozen partners to quickly distribute \$7.2 million in pandemic relief assistance to more than 1,100 unique businesses in every U.P. county.

For many, the pandemic brought a renewed focus on lifestyle and family. With a new ability to work remotely, people are looking beyond their local labor markets and choosing where they want to live and work. The U.P. boasts exceptional quality of life for workers and their families, including safe communities, affordable housing, highly rated schools, and low cost of living. With a combined 4,500 miles of groomed snowmobile and cross-country ski trails and eight downhill skiing slopes, the region is paradise for those who love winter sports. During the summer, 200+ waterfalls, 4,300 inland lakes, and miles of trails draw hikers, cyclists, boaters, and paddleboarders.

In its March 5, 2021, edition, *The Wall Street Journal* singled out the region as especially attractive for workers, noting that remote work is not necessarily an economic boon for all communities, "In fact it can be expected to reduce the fortunes of some former success stories...The places that will complete the best are those that offer unique amenities—lakefronts like Michigan's Upper Peninsula..."

InvestUP views this new way of working as a distinct opportunity to draw workers and companies interested in pursuing the best of both worlds—a business-friendly, innovation-rich ecosystem in a place where people feel like they're permanently on vacation. Its members envision a bright economic future for the Upper Peninsula, driven by the grit, determination, and collaboration of the people who live, work, and create here. 

Marty Fittante is chief executive officer of InvestUP. You may contact him at 906.227.2055 or mfittante@investupmi.com.

Going Green: How Advancing Sustainability Efforts Helps Build Community Wealth

By Shanna Draheim

Over the last year and a half, as we have been adapting to life in a pandemic, many Michigan communities have realized that placemaking strategies are also an important tool for our physical, mental, and economic resiliency. The parks, bike paths, hiking trails, and other outdoor spaces we have been investing in over the last several decades became lifelines for people as we sought to get out of our houses and safely experience even modest engagement with our fellow community members. And as the need for outdoor activities grew, our municipalities quickly adapted by closing streets to cars; expanding bike and pedestrian access; and creating outdoor, walkable business districts downtown.

As it turns out, these measures didn't just help us cope with COVID-19. They are also part of the strategy for fighting climate change and improving community resilience. Numerous studies for example, have shown that greenhouse gases and local air pollutants were reduced during COVID restrictions—in some cities substantially—and that those reductions persisted even as lockdowns were lifted in many cases.

Climate and health science tells us that we will face increased risks to our infrastructure, safety, and health from severe weather, disease, and temperature changes related to climate change. Municipalities, who have experienced increased pressure to provide critical services during the pandemic (while simultaneously facing severe declines in revenue), will continue to be on the front lines. As our lives and economy have begun to reemerge, how can we build back better by focusing on a sustainable economy?

With the passage last spring of the American Rescue Plan Act and the likelihood of additional federal recovery and infrastructure funding on the horizon, local governments have an opportunity to make investment choices that will impact the economic and social well-being of their communities for decades to come.

Ferndale Saves Money and Improves Safety with Lighting Replacement

In 2019 the City of Ferndale approved a project to convert more than 1,700 streetlights from incandescent to LED streetlights. LED lights use at least 75 percent less energy, last 25 times longer than incandescent lighting, and provides better quality lighting. The benefits? Municipalities reduce the costs of materials and labor, and traffic safety is improved.

Ferndale's streetlight conversion has helped the city save about \$168,000 on energy costs. The money saved is put into Ferndale's internal revolving energy fund, which is then used to invest in other sustainability-focused projects on an ongoing basis.



A recent report by the World Bank International Finance Corporation, *A Green Reboot for Emerging Markets: Key Sectors for Post-COVID Sustainable Growth*, estimated that investments in 10 key sectors across several emerging global markets could yield trillions of dollars in investments and millions of new jobs. Michigan has already begun investing in many of these sectors such as renewable energy, energy efficiency, green infrastructure, and green buildings. By allocating resources in ways that ensure a cleaner living environment for residents, Michigan local leaders can also create jobs and build a foundation for a more robust and equitable local economy.




What does this look like in practice? Since 2009, the Michigan Municipal League has been a partner in the Michigan Green Communities (MGC) network. MGC is a statewide network of nonprofits, state and local governments, and university staff that collaborate through peer learning and information sharing, to promote innovative sustainability solutions at the local, regional, and state level. Over the last decade, MGC network communities have learned about and implemented hundreds of green projects and policy changes in areas such as land use, natural resources protection, energy, waste management, water quality, green building, and transportation.

The annual MGC Challenge is a key part of the program and allows participants to track and benchmark their sustainability progress. It includes resources and action items that communities can take to improve their sustainability and allows them to track key sustainability metrics such as tons of materials recycled or reduction of electricity kilowatt hours over time. As of 2019, over 30 communities were certified as either bronze, silver, or gold level sustainable through the MGC challenge.

MGC partners are in the process of updating the Challenge to provide more relevant resources and action items and we expect to re-launch the Challenge in early 2022. Until then, communities can register on the website (<https://migreengcommunities.com>) and access resources and case studies that will help as you consider your recovery funding investment options. Whether that is implementing a tree canopy preservation program like Petoskey or an organics recycling program like Delhi Charter Township, there are numerous strategies Michigan municipalities have already adopted that provide examples and models for all our communities.

Preparing for and adapting to changes in our climate and natural systems can seem daunting. But there are many straightforward solutions and strategies that communities can adopt that not only help mitigate risk but improve the lives of residents and help grow our local economies.

We have learned to be more adaptable and resilient during COVID—now we need to carry those lessons into our ongoing and future community development work! 

Shanna Draheim is the director of policy research labs for the League. You may contact her at 517.908.0307 or sdraheim@mml.org.



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ServeMlCity

Act now. Shape the future.



Reverse the Decline. Invest in the Future.

Our communities are being offered an extraordinary opportunity to build back better, together. With additional support and resources, some of the most catalytic, transformational, and surprising opportunities may have the opportunity to be realized.



20%
of Michigan communities returned federal stimulus in 2020

CARES ACT

The Michigan Municipal League leveraged \$100,000 for \$33 million

\$100K

\$33
MILLION

AMERICAN RESCUE PLAN



STATE OF MICHIGAN
\$6.4
BILLION



MICHIGAN LOCAL GOVERNMENT
\$4.4
BILLION

Additional funding **\$1 trillion**

GOAL CATALYTIC, TRANSFORMATIONAL OPPORTUNITIES

- 1 SHORT-TERM TECHNICAL ASSISTANCE
- 2 LONG-TERM STRATEGIC ASSISTANCE
- 3 COMMUNICATION ASSISTANCE



- Don't leave money on the table
- Develop partnerships with business, NPOs, philanthropy
- Rebuild trust
- Pivot to a positive narrative

For information on how you can partner on the ServeMlCity effort, contact Shanna Draheim, Director, Policy Development, Michigan Municipal League at servemicity@mml.org.

General Law Villages

Q. I'm a new village trustee and am wondering if our village can start administering its own elections again?

A. Unfortunately, the Legislature eliminated village elections in 2012 (effective March 27, 2013). All village elections must occur on the November general election date (even year only) to be administered by the township.

Q. Our city has November odd year elections and we are thinking about switching to November even year. How many cities have November even year? Are there other election cycles available to cities as well?

A. There's more variety than one might think when it comes to city elections. According to our sources (city charters and resolutions filed with the State of Michigan's Bureau of Elections), here are the numbers for Michigan city elections:

ELECTION CYCLE	NUMBER
November, even year	79
November, odd year	152
November, annually	31
November, 2nd quadrennial*	6
November, 4th quadrennial*	4
May, annually	3
May, 2nd quadrennial*	1

*2nd Quadrennial Year is the year after a presidential election

*4th Quadrennial Year is the year after a gubernatorial election

Q. How does the 2015 *Reed v Town of Gilbert* case affect political signs?

A. The League has a Fact Sheet on this case and how it impacts municipalities, excerpted below:

How Are My Community's Sign Regulations Impacted?

Reed left many unanswered questions regarding a municipality's authority to regulate signs based on commercial content or off-premise content. However, it is clear that sign regulations must strive for as much content neutrality as possible and that signs should not be regulated based on the content of the message or the speaker. For example, many sign ordinances have different regulations for signs based on the content of the sign, such as: real estate signs, political signs, special event signs, garage sale signs, and gas station signs. Now that the Supreme Court has ruled against these types of distinctions, many communities are at risk of costly and unnecessary litigation.

What Should My Community Be Doing Right Now?

In Michigan, most communities regulate signs in their zoning ordinances in accordance with the Michigan Zoning Enabling Act. However, some communities have a separate sign ordinance that is not included in its zoning ordinance. In either case, every community should take the following steps to address content neutrality in their sign regulations:

Step 1: Conduct a Technical Audit of all Sign Regulations in Your Ordinances. Almost all communities have definitions and standards for signs based on the content of the message, including: construction signs, religious signs, garage sale signs, theater signs, time/temperature signs, help wanted signs, directional signs, special event signs, and the like. All communities should conduct a thorough technical audit of their sign regulations and identify any content-based provisions, i.e. provisions that regulate signs based on the message, the speaker, or an event.

Step 2: Discuss Sign Regulations with your Municipal Attorney. Because *Reed* impacts every sign ordinance in the U.S., your municipal attorney should advise you on how much content neutrality is required in your community's sign regulations and make officials aware of any legal risks. The legal community is aware of the implications (and uncertainty) created by the *Reed* case, and it is essential for you to engage the advice of your municipal attorney early in the review process. Your municipal attorney can also advise you on enforcing (or not enforcing) existing sign regulations that are legally questionable. Finally, your municipal attorney should review any proposed amendments to your sign regulations and inform you of potential risks.

Step 3: Initiate and Adopt Amendments to Your Sign Regulations. After identifying content-based provisions in your local sign regulations and reviewing them with your municipal attorney, draft text revisions that will comply with the First Amendment and reflect your community's character. Communities may still regulate the non-content aspects of signs, including sign height, area, form, materials, separation, placement, lighting, frequency of message changes, moving parts, and portability. Sign regulations reflect a community's physical character and impacts the value of the highly visible commercial development (tax base) that fronts most major thoroughfares. Therefore, the sign regulations must clearly communicate the aesthetic standards of your community.

The League's Information Service provides member officials with answers to questions on a vast array of municipal topics. Call 800.653.2483 or email info@mml.org.

Michigan Association of Municipal Clerks

By Mary Clark



The role of the municipal clerk is the oldest of public servants in local government, dating back to ancient times. The people's expectations of the clerk have evolved from serving as the recorder of meetings by memory, to that of a multi-faceted manager, which includes, yet reaches beyond, elections and historian. These quotes sum up this evolution:

"Over the years, municipal clerks have become the hub of government, the direct link between the inhabitants of their community and their government. The clerk is the historian of the community, for the entire recorded history of the town (city) and its people is in his or her care."

-International Institute of Municipal Clerks

"No other office in municipal service has so many contracts. It serves the mayor, the city council, the city manager (when there is one), and all administrative departments without exception. All of them call upon it, almost daily, for some service or information. Its work...demands versatility, alertness, accuracy, and no end of patience. The public does not realize how many loose ends of city administration this office pulls together."

-Professor William Bennett Munro, political scientist, 1934

The Michigan Association of Municipal Clerks (MAMC) was formed in 2000 for the purpose of serving citizens and municipalities of the State of Michigan through educational opportunities for municipal clerks, deputy clerks, and election staff. Our focus is promoting and improving methods and procedures of the duties performed by clerks and to monitor and address legislative matters relating to the municipal clerk's responsibilities and municipal bodies. There are four levels of MAMC membership: active members, associate members, honorary members, and life members. Membership focus is centered on those persons who have a relationship in some capacity with the duties of a municipal clerk, elected or appointed.

In Michigan, the clerk's occupation is as diverse as each individual municipality. Whether appointed or elected in a township, city, or village, clerks serve as directed by statute, charter, code, and promulgated rules. Integrity, ethics, and technical expertise are prerequisites to serving in the clerk's capacity. Major responsibilities include the following:

- legal publications/notices
- agenda preparation for legislative body meetings
- compliance with the Open Meetings Act
- record/transcribe legislative body meetings
- parliamentary
- records management/historian
- Freedom of Information Act coordinator
- elections administration
- voter registration
- budget/treasury
- human resource/personnel management
- planning/zoning
- licensing (business, liquor, etc.)
- passports
- notary administration
- cemetery management

Education

New clerks can enroll in a three-year educational program which, when completed, confers the certification of MiPMC (Michigan Professional Municipal Clerk). After completion of the MiPMC, Michigan clerks also are offered master's seminars twice annually which offer a deeper dive into issues pertaining to their role.




Because of the large and wide range of populations in Michigan's municipalities, the educational opportunities offered through MAMC are equally varied. We host an annual conference which affords members three days of educational sessions as well as the important opportunity to network with their fellow clerks. Additionally, MAMC offers a Free Education Day annually with presentations from the State of Michigan Bureau of Elections, as well as a "topics of the hour" session to better perform their duties in service to their residents.

Elections Legislation

There are 1,520 municipal clerks in Michigan who also administer elections. The vast majority are elected township clerks (1,240) and 280 represent the cities, large and small, in Michigan. Only eight other states administer elections at the local level, making it the most decentralized election system in the nation. 2021 has been a particularly active year with the legislative component of MAMC. With over 125 bills introduced to date pertaining to Michigan election law, we have been extremely busy testifying in both the House and Senate Election Committees. The purpose of testimony and engagement in the legislative process is to have a voice in election law. To present the practical application of election law in hopes of molding the best legislation possible to preserve the security and integrity of Michigan's election process and to serve the voters of Michigan by protecting their role in our democratic process.

The Michigan Association of Municipal Clerks is extremely proud of our role in serving as local election officials and have a deep commitment to the transparency, integrity, and accuracy of our elections.

Whether they are conducted for the purpose of electing the President of the United States or the local school boards Michigan clerks shine! MAMC is an integral part of that success. 

Mary Clark is the Delta Charter Township Clerk, 2020 Township Clerk of the Year, and 2021-22 President of the Michigan Association of Municipal Clerks. You may contact her at 517.323.8500 or mclark@deltami.gov.

Clerk of the Year

Each year MAMC honors a city, township, and village clerk with the Clerk of the Year award. In 2020, deputy clerks also became eligible for the award.

Nominations are accepted and encouraged from clerks, deputy clerks, mayors, supervisors, presidents, managers, councilmembers, board members, staff, peers, etc.

The Clerk of the Year criteria includes:

- Years of experience as a municipal clerk;
- Demonstrated greater-than-average performance in the position;
- Involvement in county, state, and national associations;
- Demonstrated interest in improving their professional and personal skill, in the advancement of the profession; and
- A record of contributing to the improvement of their community and the respect of community leaders;
- Nominee must be a member of MAMC.



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