

**From:** Eric Larson [mailto:ellarson0@gmail.com]  
**Sent:** Wednesday, January 20, 2016 9:01 AM  
**To:** Robert Macomber <RMacomber@house.mi.gov>  
**Subject:** Re: Lyons Contact Form - gophouse.org

Thanks so much for replying. Sorry but due to my work schedule I cannot make it into Lansing to testify. We would like to offer the following as a written testimony and hope that Rep. Lyons and the committee seriously consider our thoughts as government agencies politicking without any restrictions and using taxpayer funds has been a prolific problem in communities throughout Michigan.

The Kent County Taxpayers Alliance strongly supports the original language of Senate Bill 571.

In Kent County, and particularly within the city of Grand Rapids, we have witnessed numerous instances where newsletters and marketing materials have been abused to flout the intent of previously established law. Municipal attorneys have taken the position that any communication made by a municipality that avoids using the specific phrases "vote for" or "support" does not constitute advocacy. We believe this stance effectively created a loophole that necessitates the language now included in Public Act 269 of 2015.

Local governments have the ability to place tax hikes and millage increases on the ballot by a simple majority vote of elected officials, whereas a citizen initiative to lower or increase taxes would require thousands of signatures and be extremely cost prohibitive. Local governments frequently place these ballot questions in low-turnout, off-year elections. Allowing government bodies to further tilt the electoral playing field in their favor by utilizing tax dollars to promote a preferred election outcome seriously jeopardizes sound governance and the democratic process.

Though municipal governments claim this legislation will stifle their free speech, it would not prohibit them from advocating for their positions in elections. They would simply have to form a campaign committee, raise donations, and disclose their donors and expenditures as required by the Michigan Campaign Finance Act. Any private citizen that wishes to engage in paid political activity must do the same today.

For these reasons, we support the law as it is written and do not feel that clarifying language is required. However, if House Bill 5219 is to be voted on by the committee, we strongly support the provisions of section 3(c) that require proponents and opponents of a local ballot issue to be given equal opportunity to discuss a ballot question at a meeting of a public body.

In order to ensure taxpayers of the state are protected, we request that the committee consider a substituted version of HB 5219 that makes the following changes:

- The restrictions made in paragraph 1(c) should also be restricted in paragraph 3 of Section 57. We fear that without that change, municipalities will argue that their regular newsletters are exempt from the intent of PA 269 because they are a "...publication in the regular course of broadcasting and publication." Municipalities could potentially then argue that this allows the broadcasting of views in a taxpayer-funded publication that advocate for or against a position on a state or local ballot question. Indeed, the City of Grand Rapids recently made this argument and published an "editorial" in its quarterly taxpayer-funded newsletter explicitly endorsing a "yes" vote on a ballot question.
- We request that the committee insert language allowing for a private right of action against any municipality that violates sections of this bill or PA 269. Such language would further protect Michigan taxpayers.

Thank you for your consideration of these changes as you consider HB 5219. The Kent County Taxpayers Alliance will continue to be a resource to legislators as they consider important matters of municipal governance.

Respectfully submitted,

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