



MICHIGAN TOWNSHIPS ASSOCIATION

WEEKLY LEGISLATIVE REPORT

November 21, 2007

MTA Phone: 517-321-6467

MTA FAX: 517-321-8908

Please route to all interested parties in your township.

SUPREME COURT RULES JANUARY PRIMARY IS CONSTITUTIONAL

Earlier today, the Michigan Supreme Court ruled in a 4-3 decision that the law establishing the Michigan presidential primary is constitutional. This decision overturns earlier decisions at the circuit court and Court of Appeals levels that agreed with the plaintiffs that a provision allowing for sole access to the lists of those voting in the presidential primary constitutes an appropriation of "public property for a private purpose." Instead, the Supreme Court majority stated that "political parties unquestionably serve a public purpose." They further stated that providing the lists to political parties engenders public debate that is "integral to the operation of our democracy, our electoral process, and our political campaigns and thus serves a public purpose by enlightening the public and encouraging the informed decision-making process." Today's decision means that the Jan. 15 presidential primary will go forward. State election officials had urged a decision by today in order to ensure the timely printing of ballots and for clerks to have enough time to deliver ballots to absentee voters (AV). It still remains to be seen if the Legislature will move on pending legislation that would allow the secretary of state to add back onto the Democratic ballot the names of the four Democratic candidates who previously removed their names from the Michigan ballot. Also, the Bureau of Elections was expected to release by 5:00 p.m. today guidelines for the mailing of AV ballot applications in response to the recent Court of Appeals decision that concluded local units have no statutory authority to mail applications to qualified voters within their community unless the voter specifically requests the application verbally or in writing. Clerks will be notified of the guidelines through *Election News* or can access the latest information at www.michigan.gov/sos.

SENATE PASSES OWN PLAN FOR SERVICE TAX REPLACEMENT

On Tuesday, the Senate passed its own version of HB 5408, a bill to replace the service tax placed on a variety of services last month as part of the effort to balance the state budget. The service tax is currently scheduled to go into effect Dec. 1. Both the Senate and the House version (passed last week) of the bill would substitute the service tax with a surcharge to the Michigan Business Tax (MBT). The Senate version passed on a party line vote with Republicans supporting the measure and Democrats opposing it. The Senate plan is expected to bring in approximately \$560 million, which falls short of the governor's requirement that any replacement for the service tax needs to be revenue neutral. Instead, it relies on about \$220 million in one-time revenue from the MBT to fill the gap. In addition, the Senate version of HB 5408 differs from the House version as it drops the surcharge rate from 32.9 percent to 13.85 percent. It also raises the cap that any one business would have to pay from \$2 million to \$7.5 million and it sunsets in 2011 where as the House version continues indefinitely. Senate Democrats argued that the Senate Republican plan creates a new hole in the budget. The bill now goes to a conference committee to work out differences.

LEGALIZATION OF MEDICAL MARIJUANA MAY BE ON NOVEMBER 2008 BALLOT

Proponents of legalizing marijuana for medical use filed petition signatures yesterday to put the issue before the voters in November 2008. The Michigan Coalition for Compassionate Care filed 496,000 signatures with the Bureau of Elections, well over the 304,101 valid signatures that are required. The proposal would allow doctors the ability to legally prescribe marijuana for certain illnesses. Those with certain medical conditions would be issued a special identification card that would protect them from arrest or imprisonment for growing or possessing amounts solely for their personal use. If significant valid signatures are verified, this issue would become the first proposal to be considered by the voters next November. Currently, 12 states have decriminalized medical use of marijuana and five cities in Michigan have also approved such measures. Regardless, federal law still prescribes penalties for marijuana possession or use.

MTA OFFICE CLOSED FOR THANKSGIVING BREAK

The MTA office will be closed Thursday and Friday. We wish you a Happy Thanksgiving!!!

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