



## Inside the Michigan 2010 election

The 2010 November election will undoubtedly have a significant impact on the future of Michigan. With the election of a new governor (*page 16*), attorney general (*page 18*), secretary of state (*page 20*), as well as new members of the Legislature, there will be different people at the helm of our state beginning in 2011. Term limits alone are having a serious effect by wiping out 29 of the 38 state senators and roughly 40 out of 110 House members besides the statewide officeholders (governor, attorney general and secretary of state). That means 47 percent of Michigan legislators are being knocked out of office by term limits. And that comes in a year when incumbents appear to be unpopular with voters.

All of Michigan's congressional seats are up for re-election again, including two open seats in the second and third districts in west Michigan being vacated by Congressman Pete Hoekstra (R-Holland), who gave up his seat to run for governor, and Congressman Vernon Ehler (R-Grand Rapids), who is retiring after eight terms. There are also two state Supreme Court seats that are up for re-election on the non-partisan ballot and countless local offices—mostly at the county level—on the partisan ballot as well.

### TWO STATEWIDE BALLOT PROPOSALS FACE VOTERS

MTA wants to highlight two statewide proposals that will face voters on the November ballot: Proposal 1 asks voters whether or not Michigan should hold a Constitutional Convention (Con-Con), while Proposal 2 asks whether or not our state constitution should prohibit someone from holding public office if he or she was found guilty of a felony related to serving in public office.

#### Proposal 1

The title of Proposal 1 reads: "A PROPOSAL TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF DRAFTING A GENERAL REVISION OF THE STATE CONSTITUTION"; and the official ballot question reads: "Shall a convention of elected delegates be convened in 2011 to draft a general revision of the State Constitution for presentation to the state's voters for their approval or rejection?"

The Michigan Constitution requires that every 16 years the voters of Michigan be asked whether to hold a new Constitutional Convention. Michigan's current constitution was approved by the voters in 1963 after a seven-month-long convention was held in 1962. The document that the convention produced was barely approved by the voters—with

a vote of 50.2 percent to 49.8 percent, which resulted in a statewide recount to determine whether it was approved. In 1978, 77 percent of Michigan voters voted NO on the question of a Con-Con. In 1994, 72 percent of Michigan voters said NO on the same question. The 1963 constitution has been amended on 31 occasions.

The current estimate of holding a new Constitutional Convention is \$45 million.

If Proposal 1 is approved by voters, partisan elections will be held in Michigan, within six months of the election, to elect 148 delegates to the Con-Con. Partisan primaries would likely take place on Feb. 22, 2011, while the partisan general election would likely take place on May 3, 2011. One convention delegate would be elected from each state Senate and House district.

A lot of questions surround Proposal 1. *Who would likely run as delegates?* Since there is very little time between the November 2010 election and a February primary election, MTA believes it would likely be individuals with very high name identification who would run. In other words, candidates for the state Legislature who just lost in the November election would be the most likely pool of people, as well as perhaps a few term-limited members of the Legislature. *How long would a Con-Con last?* Some estimate that it could be longer than two years. *What would be the major issues at the convention?* Just about any social issue facing our society in the last 30 years could be debated.

MTA is strongly opposed to Proposal 1 and is an active member of an anti-Con-Con coalition, Citizens Protecting Michigan's Constitution, for the following reasons:

- Any existing problems with Michigan government are not due to deficiencies in the current constitution; they are problems with Michigan's economy.
- Michigan government can ill afford to effectively be put on "pause" for a period of two years or more while a Con-Con does its work.
- The new governor and new legislators who will be elected this November deserve the opportunity to govern and try to turn Michigan around. We should not handcuff them by having a Con-Con meeting just blocks from the state Capitol.
- It will cost the state at least \$45 million to hold the special elections and conduct the actual Con-Con.
- A Con-Con will create even more uncertainty and anxiety for Michigan's job-providers, local governments, schools, community colleges and universities.
- Investments, initiatives and reforms will be put on hold for more than two years.
- Many of the issues cited by supporters of a Con-Con can already be done statutorily or by executive order.

- Amending the constitution issue by issue, through the referendum or petition process, is a far more direct and transparent way of instituting change than making wholesale changes and having voters accept or reject the entire constitution in an up-or-down vote.
- MTA can be supportive of reforms without opening up the entire state constitution.
- Contentious and controversial issues that have been added or rejected by voters will surface again during a Con-Con.
- Those most likely to serve as delegates to a Con-Con are recently term-limited legislators. Many express concern about the folks who served in Lansing during the trouble-plagued previous decade being the same people writing a new constitution.

Citizens Protecting Michigan's Constitution is comprised of leading groups in Michigan representing agriculture, education, local government, faith, manufacturing, business—both large and small, transportation and infrastructure, real estate, and medicine. Learn more at [www.nomichiganconcon.com](http://www.nomichiganconcon.com).

## Proposal 2

The title of Proposal 2 reads: "A PROPOSAL TO AMEND THE STATE CONSTITUTION TO PROHIBIT CERTAIN FELONS FROM HOLDING ELECTIVE OFFICE AND SPECIFIED TYPES OF PUBLIC EMPLOYMENT POSITIONS"; and the official question reads:

*"The proposed constitutional amendment would:*

*"Make a person ineligible for election or appointment to any state or local elective office or to hold a position in public employment in this state that is policy-making or has discretionary authority over public assets, if: within the preceding 20 years, the person was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust; and the conviction was related to the person's official capacity while holding any elective office or position of employment in local, state or federal government.*

*"Require the State Legislature to enact laws to implement the prohibition.*

*Should this proposal be adopted?"*

The Michigan Legislature approved Proposal 2 for the ballot largely due to the situation in the City of Detroit under the former mayor. MTA has not taken a position on the measure. ■

**David Bertram,**  
MTA Legislative Liaison-Team Leader





## Berbero, Snyder discuss state-township relationship

In its July issue, the *Michigan Township News* introduced the 2010 gubernatorial candidates to MTA members in an effort to give township officials a better idea of how the candidates felt on a variety of township-related issues. As a follow-up to that article, and as part of our larger look at the November 2010 general election, MTA asked gubernatorial nominees Virg Bernero, Lansing mayor, and Rick Snyder, a venture capitalist from southeast Michigan, the following question:

### What do you see as the relationship between the state and Michigan's 1,240 townships?

The following are the nominees' responses, as submitted. To learn more about the candidates and their campaign platform, visit [www.votevirg.com](http://www.votevirg.com) and [www.rickformichigan.com](http://www.rickformichigan.com).

### Virg Bernero (D)



**As a mayor and the only candidate in Michigan's gubernatorial race with municipal government experience, I have a unique understanding of the challenges facing Michigan's cities and townships**—that's why I have been endorsed by nearly 40 mayors and township supervisors.

The relationship between the state and local governments must be a partnership rather than a state government that dictates to local governments and adds greater burden to already cash-strapped budgets. Creating jobs and supporting small businesses on our local communities' Main Streets is my number one priority.

For too long, Michigan's cities and townships have been on the receiving end of unfunded government mandates and cuts to revenue sharing—harming communities and residents.

Despite these challenges, I was able to shake things up and erase \$40 million in deficits and balance Lansing's budget on time without raising taxes and with no layoffs to maintain Lansing's double A-plus credit rating. Our municipalities need a partner who understands their challenges at the state Capitol, who will stand up when the Legislature seeks to burden our cities and townships so they can continue to avoid making tough choices.

The overall economic health of our townships and urban centers is largely dependent upon sound and innovative urban policy. A determined focus on creating an environment for local small

businesses to innovate and grow, strengthening education, and improving infrastructure will generate economic growth and make our communities more attractive places to live.

I support intergovernmental collaboration and consolidation of services for local governing units when it makes functional and financial sense to do so. My administration will start by providing real incentives for collaboration and consolidation through state shared revenues. Communities that choose to collaborate on shared services and partner with neighboring governments will be rewarded. I will amend state laws that create obstacles to consolidation. Michigan currently has too much duplication of services between units of government, especially at the local level.

The bottom line is this: Our townships will be better off when they have someone who understands the challenges municipal governments face. Working together, we can build better state and local governments, and expand economic opportunities for the people we serve.

## Rick Snyder (R)



**I believe it's time we reinvent state government so that it runs efficiently, becomes innovative and serves its citizens as customers.** Further, local governments, including townships, must look to reinventing themselves in order to stay solvent while remaining effective.

Local governments do not have a good role model in Lansing. Every year, they are asked to do more and more while resources become more and more scarce. Meanwhile, Lansing sets a bad example by continuing their irresponsible and uncontrollable spending. Lansing needs to collaborate with local governments, including townships, to determine the most efficient way to provide the essential services Michiganders count on.

While I oppose forced consolidation of local units of government, the state should incentivize local governments to follow through with consolidations that improve efficiency, customer service and transparency.

Across the state, local governments are looking for ways to save money and maintain services by working with neighboring communities in collaborative agreements. State government should empower them to do so and set the example for local governments to follow through with improved efficiency, customer service and increased transparency.

In the last few years, local authorities have scrambled to provide services while Lansing's resistance to reform has been felt on Main Streets throughout Michigan. Since 2001, Michigan cities have lost more than 2,000 police officers and nearly 2,400 firefighters. Inconsistent state funding and declining revenues have left municipalities throughout the state on the brink of receivership and without sufficient rainy day funds to protect essential services in bad times. School districts have also experienced their fair share of hardship. Today, 41 districts are currently in deficit spending with that number expected to rise dramatically.

State government should create a "Reinvention Partnership" with local governments, school districts and municipalities to foster innovation and collaboration. The state should work with local governments to reduce barriers that impede these efforts, assist them in identifying and implementing best practices, and provide technical expertise where it is needed.





# Attorney general nominees speak with MTN

The office of state attorney general acts as official legal representation for the state of Michigan, including the Legislature, and state agencies, and also as the “people’s lawyer” for all citizens. Under that purview, the state attorney general offers opinions and interpretations of Michigan statute, based on inquiry from the Legislature and state departments. These opinions frequently have an impact on local governments, including townships.

The *Michigan Township News* reached out to the two attorney general candidates who were nominated at the Democratic and Republican conventions in late August—Genesee County Prosecutor David Leyton, a Democrat, and Attorney and former Court of Appeals Judge Bill Schuette, a Republican—to offer insights on a variety of issues important to local governments.



Leyton



Schuette

The following are their responses, as submitted. For additional information, visit [www.davidleyton.com](http://www.davidleyton.com) and [www.billschuette.com](http://www.billschuette.com).

**1 The Freedom of Information Act (FOIA) is something that local government officials frequently must deal with. MTA understands the importance of the act that allows public access to public records and uses a number of methods to provide education to local officials about compliance with FOIA requests. However, there have been several instances where people overuse or, in some cases, almost abuse the law. What is your impression of how our FOIA law works, and do you believe any reforms are needed? Further, do you believe any other reforms need to be made regarding government transparency?**

**LEYTON:** The Freedom of Information Act plays an important role in balancing the right of citizens with the burden it sometimes places on government.

I support efforts that would provide more government transparency, especially those that would increase access to information online. I believe that this can be helpful in controlling costs to units of government and at the same time provide citizens with information in real time.

**SCHUETTE:** The Attorney General’s Office has historically conducted seminars across the state to educate and inform citizens about FOIA. I support the FOIA law as it is. I also support greater transparency in government. For example, I

believe all state government expenditures should be placed online for taxpayers to see, similar to what has been done in Missouri and many other states. The Michigan Attorney General’s Office has put much information online already, and I support that.

**2 As Michigan’s attorney general, you essentially serve as the top lawyer on behalf of the state. Can you explain how you would determine when issues are relevant to pursue action on behalf of the state? Is that decision made jointly with the governor?**

**LEYTON:** First and foremost, decisions to pursue action on behalf of the state will be made in the best interests of the people of Michigan and not for political gain. Cases will be fully vetted and reviewed to determine any current or potential harm that may be caused to the people of this state. I’ll assemble a legal team made up of the best and the brightest to ensure that I’ve gotten all the information and facts possible needed to make a final decision.

At times, decisions can be made in consultation with the governor, but at the end of the day, the attorney general has the final say on whether to pursue action.

Winning the job of attorney general may be political, but doing the job of attorney general should never be political.

**CHUETTE:** The attorney general is an independent, constitutional officer of the State of Michigan. The attorney general represents both the State of Michigan, and the people of the state. My intention is to work with and consult the governor on a regular and as-needed basis. But I will also exercise my prerogatives as a separate, independent elected official.

My decisions as to whether, and when, to pursue action on behalf of the state will be driven by what I believe is in the best interests of the citizens of this great state.

### **3** Please describe how as attorney general you plan to work with the Michigan Legislature and local officials.

**LEYTON:** Just as I've done as prosecutor, I would reach out to officials at the state and local level to see how we can work together on policy issues as well as the execution of existing or new programs. In the current economic environment, cooperation is not a luxury, it's a necessity.

One particular example on how the Legislature, local officials and the attorney general could work together would be replicating the elder abuse task force that we have in Genesee County statewide. This effort would bring together law enforcement, senior advocates and local prosecutors to provide seniors better protection in a more cost-efficient manner.

Throughout my career as a public servant, I've reached across party lines to ensure progress in the best interests of those I represent.

**SCHUETTE:** It is my intention to have a close working relationship with members of the Michigan Legislature, as well as with local officials. When I served as director of the Michigan Department of Agriculture, my office enjoyed good relations with both members of the state Legislature and local officials. That is a model I will continue as Michigan's next attorney general.

### **4** Please explain your top priorities as Michigan's attorney general.

**LEYTON:** My top objectives are maintaining a strong focus on fighting crime, fighting government corruption, and protecting consumers and the environment.

The role of Michigan's attorney general is to be the chief law enforcement officer for our state. I'm the only candidate with experience as a criminal prosecutor. I've prosecuted 20,000 cases and achieved a conviction rate of over 90 percent. I'll bring that same commitment to the attorney general's office.

People have the right to government that is free from corruption at all levels. I've prosecuted politicians and government officials when they've misused taxpayer dollars or abused the public's trust, including those in my own party. I'll aggressively pursue cases of public money or resources used for private gain as attorney general.

More and more consumers are becoming the target of unscrupulous business practices and outright scams by con artists. I'll make protecting consumers a priority again.

The attorney general is uniquely positioned to protect the environment and that will also be a top priority.

**SCHUETTE:** 1) Public safety. The first obligation of government is the safety and security of Michigan's families. I am strongly opposed to the process of closing multiple prisons and prison camps and releasing thousands of dangerous criminals early, without any effort to reduce the cost and improve the efficiency of our corrections system.

2) Protecting the Michigan Constitution and the laws enacted by the Legislature or voted upon by the citizens of Michigan. Recently, the governor sought to impose new regulations on the permitting process for power plants. The current attorney general ruled, correctly, that the power to change or amend laws resided with the legislative branch, not the executive branch. I would also defend challenges to citizen initiatives.

3) Economic development. Our next attorney general must be aggressive in promoting economic development in Michigan. Our next attorney general must be an advocate to require the [Michigan Department of Natural Resources and Environment] to issue air and water permits in a specific time period to provide certainty and consistency for job providers in Michigan.



## Introducing the secretary of state nominees

In an effort to highlight how the 2010 secretary of state nominees—Jocelyn Benson, a Democrat and Wayne State University law professor, and Oakland County Clerk/Register of Deeds Ruth Johnson, a Republican—feel on a variety of issues important to local governments, the *Michigan Township News* posed a series of questions to each candidate.

The following are their responses, as submitted. For additional information, visit Benson's campaign website at [www.votebenson.com](http://www.votebenson.com) and Johnson's site at [www.rj4mi.com](http://www.rj4mi.com).



**Benson**



**Johnson**

### 1 As secretary of state (SoS), what type of management style would you bring to the position, and what would be your top priorities for the next four years?

**BENSON:** I will be a hands-on, innovative and energetic leader who will inject the Secretary of State's Office with common-sense reforms that make it run more efficiently and effectively for citizens. I possess what Michigan citizens need in their next secretary of state: integrity, efficiency, intelligence, energy, expertise and ingenuity.

My priorities for the next four years will be improving customer service, protecting citizens' pocketbooks, and making sure that elected officials work for citizens—not corporate and special interests. For example, I would work to end the onerous driver's responsibility fee that is such an undue burden on many Michigan families. I would implement customer-friendly reforms in the branch offices, such as allowing multi-year vehicle registration and allowing citizens to call ahead, make an appointment for services, and skip the lines.

**JOHNSON:** *Innovation and reform.* As Oakland County clerk, my office has won 14 national awards for innovative new approaches to increasing access and improving service for our customers. That's the same leadership I will bring to the Secretary of State's Office. I also am a strong believer in collaboration and believe when we come together, we can accomplish great things. As county clerks and local clerks, we came together and solved the problem of making sure our military service people have time to vote. We can replicate this success in so many other areas.

*Election integrity.* I believe we can modernize our voting laws to both improve security and create greater convenience for voters.

*Job creation.* The secretary of state can play a big role in attracting new businesses to our state. From corporate registrations to handling large vehicle fleets, the secretary can and should go out of his or her way to show job creators we are a state they would want to do business in.

*Partnerships.* Through voluntary partnerships with local governments and business, we can reduce the cost of doing business to the taxpayers and improve service for our customers. I want to explore allowing these entities to provide many of the services traditional SoS offices offer. This can be a real win-win for local governments that could gain much needed revenue and provide more convenience for their residents.

### 2 What is your position on early voting? If you support the concept, how would you propose to accommodate communities with clerks who do not maintain full-time business hours?

**BENSON:** Declining interest in voting is a serious threat to our democracy. Government works best when as many people as possible have a stake in the governing process and vote. Our election process must work for voters. Accordingly, I support in-person early voting and no-reason absentee voting. Michiganders should enjoy the same access to voting that citizens enjoy in neighboring states.

Pairing no-reason absentee voting with early voting will reduce the staffing demands of early voting on clerks. In addition, by confining a distinct window of time in the days leading to an election for early voting, we can limit the impact on staffing and allow clerks to plan ahead. Before implementing a plan of early voting, I would solicit the suggestions of all local election administrators on how to make early voting effective, efficient and low cost.

**JOHNSON:** I do not support tabulating ballots prior to Election Day. I have proposed a voluntary program where people could vote absentee in person with identification without having to give a reason. I look forward to working with my fellow election officials to move this plan forward, which strikes a balance between increasing integrity and improving convenience for our voters.

### 3 Do you support allowing people to register to vote on Election Day, or same-day registration? Why or why not?

**BENSON:** I would only support this reform if it also had:

- 1) sufficient security and identification requirements in place to eliminate the potential for voter impersonation fraud, and
- 2) the full support of the clerk community, which would need to be partners in ensuring its safe and secure implementation.

I believe it is of greater importance to modernize our system of voter registration. I want to ensure the Department of State is doing everything it can to register all eligible citizens—accurately, efficiently and inexpensively. That means:

- Reducing registration costs by registering citizens automatically when they apply for driver's licenses or a state ID
- Increasing state oversight of third-party voter registration drives
- Introducing online voter registration and confirmation

**JOHNSON:** I do not support same-day voter registration. Other states that have adopted this law have had serious problems with fraudulent voting. For instance, in one Milwaukee election, a police official found over a thousand votes cast that could not be attributed to qualified voters. We can't let this happen in our state.

### 4 In recent years, local units of government have been asked by the state to do more with less. As secretary of state, what would you do to help ensure that election reforms initiated by the federal or state government not place undue financial or procedural burdens on local communities?

**BENSON:** The Michigan Constitution prohibits unfunded mandates on local governments. I take that prohibition seriously. If the state wants to implement a new reform that raises local costs, it simply has to come up with the funding, or the reform shouldn't go forward. Unfortunately, there is no similar federal prohibition, but I will be a strong advocate for Michigan election administrators in Washington.

I love solving problems and making things work. I'm very practical, and I rely on data and experience to make decisions. State policymakers too often make policy without thinking about practical implementation. As secretary of state, I will have an open door policy for any local clerk who wishes to meet me. As the front line of our election administration system, their experience and advice is critically important. I already have great working relationships with many local clerks, and I am proud that so many have endorsed me.

**JOHNSON:** I've lived with this burden as a county clerk and you will have an advocate in me as your secretary of state. Michigan is a large and diverse state and we need to be aware that different solutions work for different communities. My administration would put an emphasis on creating grant programs for election officials to show how they can best improve the process in their communities.