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**Stop City Income Tax group files suit against City of Ypsilanti over
biased, misleading, and illegal ballot language**

(Ypsilanti, Michigan – September 27, 2007) Today, SCIT has filed suit over the ballot language approved by the City of Ypsilanti to put a City Income Tax on the ballot for the November 6th election. Joining the lawsuit are Mayor Pro-Tem Trudy Swanson (Dem, Ward 1), City Council member Brian Robb (Dem, Ward 3) and former Ypsilanti Mayor Pete Murdock. The City Council in a narrow 4 to 3 vote approved the questionable language on August 14th, 2007.

“The language is biased,” says Pete Murdock. The ballot language selectively picks exemptions from the State Income Tax law while excluding others to influence the voters to vote for the City Income Tax. The ballot language also makes reference to items not actually being voted on.

The ballot language creates an implication that what is included is meritorious and that what is not included is less meritorious or non-meritorious. This is precisely why Citizens for Protection of Marriage vs. Board of State Canvassers, prohibits the one-sided listing of speculative effects of ballot proposals, particularly those proposed under the auspices of “voter education.”

The ballot language also goes on to predict future consequences of the failure to approve the City Income Tax which is again contrary to the Appeals Court ruling in Citizens for Protection of Marriage.

Moreover, the City Council took the extraordinary step on Tuesday, September 18, 2007, to adopt yet another resolution, the current and future effect of which causes the ballot language as previously adopted in August to now be false, misleading, and inaccurate. The latest resolution, directed the Ypsilanti City Manager to keep the City of Ypsilanti’s fund balance at 10%. As a consequence of the adoption of Resolution 2007-204, the ballot language as proposed is no longer accurate, since even if the City Income Tax proposal is adopted by voters, substantial cuts to save hundreds of thousands of dollars would be required as early as Fiscal Year 2011 to maintain a 10% fund balance, even assuming that the City Manager’s current projections are correct.

In the second count of the lawsuit, the City has violated Michigan’s Home Rule Act. The City Income Tax is a question put forth before the voters by the City Council. The Home Rule Act expressly requires that “Propositions and questions shall be proposed, initiated, submitted and canvassed in a manner similar to that provided for charter amendments.” The Home Rule Act specifically requires that charter amendments must receive a 3/5 vote of City Council prior to placing the issue on the ballot. With seven members on council, five votes are needed to put a question before the voters. With just four votes, the City failed to get the necessary votes needed to put the question on the ballot.

“It is about fairness,” says Robb. “The City should not be advocating one side of the issue or the other and the City cannot have ballot language that violates state law.”

The case has been assigned to Judge Timothy Connors.

Watch Video of the August 14th City Council debate: www.StopCityIncomeTax.com/video
Read the complete text of the lawsuit: www.StopCityIncomeTax.com/lawsuit

www.StopCityIncomeTax.com

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