

REPORT CARD



CITIZEN ACCESS TO GOVERNMENT IN MICHIGAN, 2003 AND 2004

**THE LEAGUE
OF WOMEN VOTERS
OF MICHIGAN**

Prepared by
League of Women Voters of Michigan

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INTRODUCTION

A primary mission of the League of Women Voters is to promote the active and informed participation of citizens in government. Over the years, we have pursued that mission in a variety of ways, including conducting candidate and issue forums, issuing voter guides, and offering guides to government.

Delegates to the 1997 Convention of the League of Women Voters of Michigan (LWVMI) discussed a number of recent actions, including some ballot initiatives, that were redefining state government. Among them were term limits at the state level, downsizing and streamlining government, privatizing services, and shifting services between governmental agencies and bodies. The delegates unanimously supported a LWVMI effort to assess the impact of those changes on citizens' access to government.

In May, 1998, the LWVMI published its first Report Card: Citizen Access to Government in Michigan. A second was published in May, 2001 covering the years 1999 and 2000, and a third in May, 2003 covering the years 2001 and 2002. The intent was to publish such a report card biennially.

Here, then, is the fourth such Report Card that seeks to assess the state of Citizen Access to Government in Michigan. Our last two report cards focused on eight benchmarks against which to measure citizen access. This year, we have nothing to report against one of our benchmarks (F), and we have added a ninth benchmark. Those benchmarks are listed below, along with the number of the page on which each benchmark discussion begins:

- A. Remove barriers to and actively promote citizen participation in the electoral process. (page 1)
- B. Make the government's workings and decisions visible and accessible to all who wish to participate in democratic self-government. (page 3)
- C. Welcome citizen input and empower all officials, elected and otherwise, to interact directly with the citizens and residents they are to serve. (page 6)
- D. Provide timely, accurate, and complete information about the current and proposed actions of governments, elected officials, and government employees. (page 7)
- E. Act at a pace and in a deliberative manner that provides everyday citizens with as much opportunity to influence and respond to government proposals as registered lobbyists. (page 8)
- F. Ensure that all government contracts worth more than a nominal amount are awarded only through a genuinely open and unbiased competitive bidding process. (no report)

G. Preserve accountability to the public whenever government functions are contracted out to private business. (page 9)

H. Ensure that all persons have access to justice. (page 10)

I. Encourage citizen respect for and ownership of government, leading to greater oversight and participation. (page 12)

For each of the benchmarks, the task force compiled a list of events that have impacted citizen access to government, either positively or negatively. In the report card, we briefly describe each event and its impact or potential impact. We then indicate the degree of impact. In the past we have used the following symbols:

- two thumbs up significant favorable impact on citizen access to government
- one thumb up favorable impact on citizen access to government
- one thumb down unfavorable impact on citizen access to government
- two thumbs down significant unfavorable impact on citizen access to government

This year, we have added another symbol.


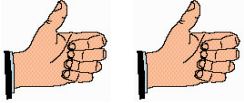

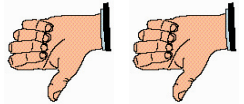
- three thumbs down serious unfavorable impact on citizen access to government

We see Michigan's failure to encourage citizen respect for and ownership of government as a serious threat to citizen access to government.


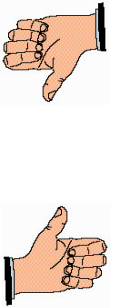
Commonly Used Abbreviations

ACLU	American Civil Liberties Union
FOIA	Freedom of Information Act
HB	House Bill
JCAR	Joint Committee on Administrative Rules
MEDC	Michigan Economic Development Corporation
M-TEC	Michigan Technical Education Center
PA	Public Act
SB	Senate Bill



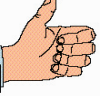

A. Remove barriers to and actively promote citizen participation in the electoral process.

Date	Incident	Comment	Impact
2003	HB4290 passed the House and died in the Senate. The bill would have required gubernatorial candidates accepting public funds to participate in primary and general election debates.	Such debates are a way to level the playing field between candidates and give voters a chance to assess the candidates on the basis of something other than ads.	
01/08/04	Governor Granholm signed a series of bills limiting the number of days elections can be held and consolidating school and general elections.	The bills are intended to increase voter turnout by reducing the number of elections and by providing a well-defined schedule for elections.	
04/26/04	SB 432, PA92 was signed by Governor Granholm to bring Michigan in compliance with the federal Help America Vote Act.	<p>The law addresses requirements for:</p> <ul style="list-style-type: none"> • handicapper-accessible voting booths at each precinct • handling an expedited recount in close presidential elections • processing provisional ballots <p>The law does not:</p> <ul style="list-style-type: none"> • reverse the requirement that persons registering by mail vote once in person before being allowed to vote absentee • provide for no reason absentee voting • define rules for the counting of provisional ballots 	 





A. Remove barriers to and actively promote citizen participation in the electoral process.

Date	Incident	Comment	Impact
08/23/04 09/03/04	<p>The State Board of Canvassers, on a 2-2 party-line vote failed to certify petition signatures to place Ralph Nader on the November ballot as an independent candidate for president. Those voting to deny certification were challenging the motives of the circulators.</p> <p>The Court of Appeals ruled that the Board of Canvassers overstepped its powers by basing a decision on the motives of the circulators.</p>	<p>The role of the Board of Canvassers is not to question the motives of those who circulate or sign ballot petitions.</p>	
08/23/04 09/03/04	<p>The Board of Canvassers refused to certify the petitions seeking to amend the constitution to ban gay marriage and civil unions claiming the law would be overturned because it denied equal protection.</p> <p>The Court of Appeals ruled that the Board of Canvassers' duties "are limited to determining whether the form of the petition substantially complies with the statutory requirements and whether there are sufficient signatures to warrant certification..."</p>	<p>It is the role of the courts to determine the constitutionality of laws.</p>	


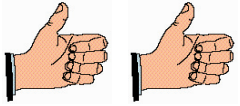
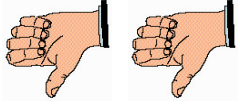
B. Make the government’s workings and decisions visible and accessible to all who wish to participate in democratic self-government.

Date	Incident	Comment	Impact
January, 2003	The Michigan Supreme Court amended Michigan Court Rules limiting the authority of judges to close courtrooms. Public access can be limited only when there is a specific interest to be protected that outweighs citizens’ right to view the proceedings. The rationale must be in writing and can be challenged by anyone.	Courts should be open to the public, except under rare circumstances.	
02/10/03	The State Court of Appeals ruled that a private agency is subject to the state’s Freedom of Information Act if more than 50% of its funding comes from the state.	The ruling provides citizens with information on agencies that are receiving substantial tax dollars.	
04/03/03	The Governor signed SB 160 which returned powers to the Auditor General. Those powers include subpoena power and the authority to compel executive agencies to produce documents.	Without such powers, the Auditor General could not effectively hold the executive branch accountable for its performance.	
05/01/03	The state unveiled its online listing of after-school and children’s programs in libraries and museums across the state.	The program provides families an easy way to access programs offered by the state for children.	





B. Make the government’s workings and decisions visible and accessible to all who wish to participate in democratic self-government.

Date	Incident	Comment	Impact
07/03/03	The Family Independence Agency opened county offices in Northern Michigan to customers from throughout the region on a pilot basis.	The initiative recognizes that people cross county boundaries on a daily basis for work, child care, and other needs. Opening the boundaries makes the services more accessible to busy families.	
07/15/03	The Office of Financial and Insurance Services announced that their website now includes information needed to become licensed in the financial and insurance professions. It also includes links to relevant laws and forms.	Such a service not only makes government more efficient, but also makes it easier for those wishing to pursue a career in one of these fields.	
08/13/03	The Court of Appeals ruled that a Tax Tribunal hearing may not be closed to the public unless there is a finding that the information to be discussed is confidential.	The ruling prohibits a Tribunal from acting arbitrarily to close a meeting.	
10/08/03	The Department of Consumer and Industry Services announced that its website now contains applications for nursing licenses.	Such a service not only makes government more efficient, but also makes it easier for those wishing to pursue a career in nursing.	

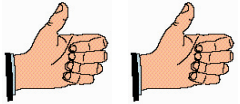



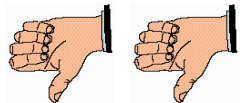
B. Make the government’s workings and decisions visible and accessible to all who wish to participate in democratic self-government.

Date	Incident	Comment	Impact
02/20/04	The Governor vetoed legislation that would have allowed schools to bypass state laws by seeking a waiver from the Superintendent of Public Instruction under an “ed-flex” performance contract. Waivers could be granted if they would improve student achievement.	Such a provision would have allowed districts to avoid provisions of state law.	
03/10/04	The Court of Appeals ruled that the city of Detroit must disclose the formula used to calculate water and sewer rates. The city had argued that the formula was embedded in a software program that was exempt from FOIA.	The court stated that any other ruling “would allow public bodies to hide behind the exception by creating and maintaining public records within software and on computer disks only.”	
08/04/04	The State Supreme Court issued a ruling that narrowed the interpretation of the right of citizens to sue under the state’s 34-year-old Michigan Environmental Protection Act. The court ruled that citizens must prove direct harm from an environmental problem before they may sue.	The ruling limits the role of citizens in protecting the state’s environment.	



C. Welcome citizen input and empower all officials, elected and otherwise, to interact directly with the citizens and residents they are to serve.

Date	Incident	Comment	Impact
04/21/03	The long-term care ombudsman announced the creation of a web-based reporting system, local ombudsman standards, and a centralized system that enables citizens to get information about nursing homes or to lodge complaints.	The system makes it easier for citizens to report problems and to get state-compiled information about nursing homes.	
11/18/03	The governor completed a series of forums throughout the state to solicit suggestions for budget planning.	Such meetings, held in different regions of the state, give citizens a chance to express their views on budget issues.	
12/12/03	The governor appointed a mental health advisory commission to “identify and prioritize pressing issues and significant challenges that must be addressed to preserve and improve services for adults and children with serious mental illness or emotional disturbances.”	Such commissions give citizen stakeholders an opportunity to influence government.	
June, 2004	The Michigan Timely Application and Permit Service was unveiled. It provides an interactive source for 14 web-based permits and provides links to 32 more at the Department of Environmental Quality. The objective is to reduce permit processing times, provide effective monitoring of applications and permits, and streamline requests.	The system will improve efficiency and make it easier for companies to work with the State of Michigan to acquire necessary applications and permits.	


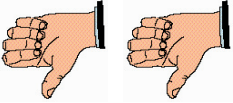
D. Provide timely, accurate, and complete information about the current and proposed actions of governments, elected officials, and government employees.

Date	Incident	Comment	Impact
January, 2003	The legislature introduced a service that allows individuals to receive email notification of legislative activity related to a specific subject, legislator, or bill.	The service allows the citizen advocate to track pertinent developments.	
April, 2003	In a cost cutting move, the state stopped printing the daily session calendar, the session journal, new bills, and the least-requested Legislative Service Bureau publications.	Such a move has a more detrimental impact on those without access to the Internet.	
05/29/03	PA 12 of 2003 prohibited any state agency from using a 900-telephone number or any other telephone system that charges the caller for access to public information held or maintained by a state agency.	Citizens should have access to government information without unnecessary charges.	
September, 2003	The Michigan Supreme Court made a procedural change allowing 4 (instead of the previous 5 of 7 member majority) to issue unsigned opinions when oral arguments have been held on applications for leave to appeal.	The ruling allows a case to be decided without a full hearing when only a bare majority agree. As noted by one justice, the ruling “elevates efficiency over fair and sufficient process.”	
11/30/03	The <i>Lansing State Journal</i> reported that its requests to lawmakers for meeting schedules and phone logs were rejected on the grounds that the legislature has a special exemption.	The legislature has exempted itself from the state’s Freedom of Information Act, and no body of government should be exempt.	


D. Provide timely, accurate, and complete information about the current and proposed actions of governments, elected officials, and government employees.

Date	Incident	Comment	Impact
March, 2004	Owosso Police Chief refused to name the officer who drove the police cruiser that struck and killed a pedestrian, saying, "I'm trying to shield him from unnecessary scrutiny.... He's very upset."	There is no reason to provide more protection for a police officer than for a private citizen.	
07/19/04	The National Governor's Association honored Michigan as the state that makes the best use of technology in delivering services to its residents.	Such services make the government accessible to a large number of citizens economically.	



E. Act at a pace and in a deliberative manner that provides everyday citizens with as much opportunity to influence and respond to government proposals as registered lobbyists.

Date	Incident	Comment	Impact
02/06/03	The Joint Committee on Administrative Rules (JCAR) began meeting for the first time since 1999 to review rules being promulgated by executive departments.	Administrative Rules have a significant impact on the operation of government. Holding JCAR hearings provides citizens with an opportunity to express concerns about proposed rules to elected officials.	
06/12/03	The Senate Education Committee reported a 62-page substitute to SB 393 (a charter school bill) out of committee less than 24 hours after it was emailed to committee members.	Such fast action does not allow for Senatorial deliberation, let alone meaningful input from the public.	

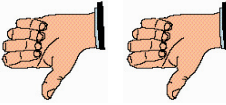


E. Act at a pace and in a deliberative manner that provides everyday citizens with as much opportunity to influence and respond to government proposals as registered lobbyists.

Date	Incident	Comment	Impact
12/03/05	The governor vetoed HB 4511, which would have allowed the legislature 30 session days (instead of 21 calendar days) to review proposed Administrative Rules.	The longer time frame would allow more time for deliberation by the legislature and more notice before hearings are held. The extended notice could enable more interested parties to participate in the process.	




G. Preserve accountability to the public whenever government functions are contracted out to private business.

Date	Incident	Comment	Impact
09/03/03	The Auditor General concluded that the Michigan Economic Development Corporation (MEDC) has not adequately monitored the effectiveness of a number of job development training programs, including Economic Development Job Training grants, the Michigan Technical Education Center (M-TEC) program, and the Governor’s Career Scholarship Program. MEDC said it had no authority or funding to monitor the M-TEC grants.	All contracted services should be monitored to ensure adequate performance.	
07/29/04	The State Supreme Court ruled that the Michigan High School Athletic Association is not a public body subject to the Freedom of Information Act – despite the fact that the association is almost entirely funded by public schools.	Since the association is largely publicly funded, its activities should be visible to the public.	

H. Ensure that all persons have access to justice.

Date	Incident	Comment	Impact
04/23/03	<p>The National Mental Health Association graded Michigan an “F” on all three criteria used to measure mental health programs in the state. The state’s mental health system:</p> <ul style="list-style-type: none"> failed to ensure mental health parity for medical insurance provided inadequate recourse for patients arguing that their managed care program was negligent in refusing certain treatments has a formulary that does not provide adequate access to psychotropic medications 	State health systems should not deny services to any group of citizens.	
September, 2003	The Michigan Supreme Court made a procedural change that allows a 4-member majority to issue preemptory orders vacating trial court civil damage awards, overturning jury verdicts or reversing lower court decisions when the majority concludes an emergency exists.	The ruling allows a case to be decided without a full hearing when only a bare majority agree. As noted by one justice, the ruling “elevates efficiency over fair and sufficient process.”	
10/29/03	Local foster care review boards reported that guardians ad litem are not meeting with children they are representing prior to going to court.	Failing to meet with the child compromises one’s ability to know and adequately represent that child.	

H. Ensure that all persons have access to justice.

Date	Incident	Comment	Impact
12/18/03	The state reached an out-of-court settlement to test welfare recipients for drug use only for reasonable cause. The settlement came following a suit by the ACLU challenging the law that would have required all recipients to be tested.	Targeting all welfare recipients for testing is an unwarranted invasion of privacy.	
07/22/04	The Court of Appeals reported that in 2003 the average processing time for a case from intake to final disposition has been reduced to 496 days. In 2002, the average was 653 days.	Speedier resolution enhances access to justice.	
Dec. 2004	Because of cutbacks in grants from the state to local governments, Kalamazoo County was forced to cut funds to its female drug court. (Citizens of the county responded by creating a foundation to fund drug courts. The plan is to support all three courts (male, female, and juvenile) with foundation money.)	The court system is a fundamental element of any justice system – and any democracy. The efficacy of drug courts has long been proven. We should all be concerned when we cannot finance the justice system.	

I. Encourage citizen respect for and ownership of government, leading to greater oversight and participation.

Date	Incident	Comment	Impact
Trend	Government is becoming increasingly irrelevant as it shrinks due to reductions in tax rates and revenues. Essential services are being cut, and citizens are losing hope in the prospect that government will protect and support opportunities for people to improve their lives.	This trend erodes citizen access to government more than any development we have observed since we began this series of reports.	