

No. 812

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## STATE BALLOT ISSUES

### *ELECTION OF LEGISLATORS TO OTHER OFFICES AND DAYLIGHT SAVINGS TIME*

Proposal No. 5 on the November 5 statewide ballot would amend Article IV, Section 9, of the state constitution to permit the election of state legislators to other public offices in the state.

Section 9 of Article IV, as it now stands, reads:

*No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority during the term for which he is elected.*

The proposed amendment would add one sentence to this section to distinguish between "election" and "civil appointment." The added language would read:

*Election to public office by vote of the electors is not a civil appointment.*

No legislator would be permitted to hold another office while he was actually serving in the legislature, however, since this is prohibited by Article IV, Section 8.

#### Background

On February 24, 1967, the attorney general issued an opinion relative to Article IV, Section 9, stating that "a legislator is prohibited from being elected to another office during the middle of his term even if he resigns as a legislator after his election to the other office." This opinion was based on three main conclusions: First, it was ruled that the phrase "any civil appointment" is to be construed to include "election." Second, the phrase "from any other state authority" includes the electorate. Finally, the phrase "during the term for which he is elected" means "during the term for which he is elected whether he serves it or not."

Act 152, Public Acts of 1968, was an attempt by the legislature to clarify the language of this section by declaring that "the term 'election' is not synonymous with the term 'civil appointment' as such term appears in Section 9 of Article IV of the state constitution." This act, however, was declared unconstitutional by the Michigan supreme court on September 26 in a decision which denied the legislature the power to interpret this section of the state constitution. The court also ruled that, contrary to Act 152, the words "civil appointment" and "election" are synonymous terms for the purposes of Section 9, that "state authority" includes the electorate, and that a legislator may not resign from office to create eligibility for another state office.

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### Conclusion

Having exhausted all other means of changing the meaning of Article IV, Section 9, the legislature passed Senate Joint Resolution “Q” late in the 1968 session in order to place the proposed amendment before the voters at the general election.

## DAYLIGHT SAVINGS TIME

Proposal No. 2 on the November ballot is a referendum required by a petition of the voters of the state. The ballot question is:

*Shall the State of Michigan observe Daylight Saving Time?*

A yes vote will keep the state on daylight savings time (which requires moving clocks ahead one hour at 2:00 a.m. on the last Sunday of April and back one hour at 2:00 a.m. on the last Sunday in October). A no vote will return the state to year-round Eastern standard time as it was before 1967.

### Background

The Federal Uniform Time Act (P.L. 89-387) became effective April 1, 1967. Under this act, all states are required to observe daylight savings time beginning on the last Sunday in April and ending on the last Sunday in October of each year. Any state may, by law, exempt itself statewide from daylight savings. The states were required to act before April 29, 1967. Only two states, Hawaii and Michigan, did so, although Kentucky and Alaska were granted temporary exemptions.

In Michigan, Act No. 6, Public Acts of 1967, declared that “Eastern standard time . . . is the legal time throughout the state” and that the state was exempt from P.L. 89-387. This act was suspended on June 14, 1967, after the board of state canvassers certified referendum petitions and submitted the act to the voters for their approval or rejection at the November, 1968, election.

### Conclusion

As a result of this action, Michigan went on daylight savings time immediately and has operated under the provisions of P.L. 89-387 since then. If passed, the referendum would maintain daylight savings time in Michigan from late April to late October. If defeated, it would reinstate Act No. 6 and return the state to year-round Eastern standard time.