

# INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

A proposal to amend the Michigan Constitution by adding Article 3, Section 9 to prohibit lobbyists and clients from giving gifts to state government public officials and their immediate families; prohibit the Governor, Lieutenant Governor, Attorney General, Secretary of State, and Members of the Michigan Legislature from working as lobbyists for 2 years after leaving office; prohibit lobbyist compensation contingent on the result of lobbying; require lobbyists and public officials to disclose all attempts to influence official actions of public officials; require any person to disclose public communications encouraging others to influence official actions of public officials; and require Secretary of State implementation. Provisions of existing constitution altered or abrogated by the proposal if adopted: Article 1, Sections 3 and 5; Article II, Section 9; Article III; Article IV, Sections 1, 31, and 37; Article V, Sections 1, 2, 18, 19, and 20; Article VI, Sections 1, 4, 28, and 30; and Article IX, Section 17. The full text of the proposal appears on the reverse side of this petition, along with provisions of the existing constitution which would be altered or abrogated if the proposal is adopted.

We, the undersigned qualified and registered electors, residents in the county of \_\_\_\_\_, state of Michigan, respectively petition for amendment to constitution.

**WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.**

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							

### CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or designated agent of the Secretary of State has the same effect as if personally served on the circulator.

**WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.**

Paid for with regulated funds by Coalition To Close Lansing Loopholes, 614 Seymour Ave, Lansing, MI 48933

### CIRCULATOR - Do not sign or date certificate until after circulating petition.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 (Signature of Circulator) (Date)

\_\_\_\_\_  
 (Printed Name of Circulator)

\_\_\_\_\_  
 Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

\_\_\_\_\_  
 (City or Township, State, Zip Code)

\_\_\_\_\_  
 (County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)

# INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

A proposal to amend the Michigan Constitution by adding Article 3, Section 9 to prohibit lobbyists and clients from giving gifts to state government public officials and their immediate families; prohibit the Governor, Lieutenant Governor, Attorney General, Secretary of State, and Members of the Michigan Legislature from working as lobbyists for 2 years after leaving office; prohibit lobbyist compensation contingent on the result of lobbying; require lobbyists and public officials to disclose all attempts to influence official actions of public officials; require any person to disclose public communications encouraging others to influence official actions of public officials; and require Secretary of State implementation.

Language added is in all capital letters:

## Article I Declaration of Rights

§ 3 Assembly, consultation, instruction, petition.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances. IN THE EXERCISE OF THESE RIGHTS, LOBBYING SHALL BE REGULATED UNDER ARTICLE III, SECTION 9.

§ 5 Freedom of speech and of press.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press. IN THE EXERCISE OF THESE RIGHTS, LOBBYING SHALL BE REGULATED UNDER ARTICLE III, SECTION 9.

## Article II Elections

§ 9 Initiative and referendum; limitations; appropriations; petitions.

Sec. 9. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE III, SECTION 9, the people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

Referendum, approval.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Initiative; duty of legislature, referendum.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

Legislative rejection of initiated measure; different measure; submission to people.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a ye and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Initiative or referendum law; effective date, veto, amendment and repeal.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

Legislative implementation.

The legislature shall implement the provisions of this section.

## Article III General Government

§ 9 LOBBYING

### (1) PURPOSES

THE PEOPLE OF MICHIGAN HAVE THE STATE AND FEDERAL CONSTITUTIONAL RIGHTS TO SPEAK FREELY, ASSEMBLE, CONSULT, INSTRUCT STATE GOVERNMENT OFFICIALS, AND PETITION STATE GOVERNMENT FOR REDRESS OF GRIEVANCES.

IN ORDER TO PROTECT THE HONESTY AND INTEGRITY OF STATE GOVERNMENT AND TO PREVENT QUID PRO QUO CORRUPTION AND THE APPEARANCE OF QUID PRO QUO CORRUPTION DURING THE EXERCISE OF THESE RIGHTS, THE IDENTITY AND EXPENDITURES OF PERSONS ATTEMPTING TO INFLUENCE THE OFFICIAL ACTIONS OF STATE GOVERNMENT SHOULD BE REGULATED AND DISCLOSED. THIS SECTION SHALL BE LIBERALLY CONSTRUED TO ACHIEVE THESE PURPOSES.

THE PEOPLE OF MICHIGAN FIND THAT MICHIGAN'S CURRENT LAWS REGULATING AND DISCLOSING PERSONS ATTEMPTING TO INFLUENCE STATE GOVERNMENT ARE AMONG THE LEAST EFFECTIVE IN THE UNITED STATES AND DO NOT ACCOMPLISH THESE PURPOSES, NECESSITATING THIS ACT OF DIRECT DEMOCRACY TO AMEND THE STATE CONSTITUTION BY INITIATIVE.

### (2) LOBBYIST GIFT BAN

LOBBYISTS AND LOBBYIST CLIENTS SHALL NOT DIRECTLY OR INDIRECTLY OFFER TO GIVE, AGREE TO GIVE, OR GIVE ANYTHING OF VALUE TO A PUBLIC OFFICIAL OR HER/HIS IMMEDIATE FAMILY.

A PUBLIC OFFICIAL AND HER/HIS IMMEDIATE FAMILY SHALL NOT DIRECTLY OR INDIRECTLY SOLICIT, AGREE TO ACCEPT, OR ACCEPT ANYTHING OF VALUE FROM A LOBBYIST OR LOBBYIST CLIENT.

### (3) LOBBYIST REVOLVING DOOR BAN

A STATE ELECTIVE OFFICER SHALL NOT BE A LOBBYIST DURING THE TWO (2) YEARS AFTER THE DATE SHE/HE CEASES TO BE A STATE ELECTIVE OFFICER.

(4) CONTINGENT LOBBYING BAN

A LOBBYIST SHALL NOT DIRECTLY OR INDIRECTLY RECEIVE COMPENSATION OF ANY KIND WHICH IS CONTINGENT ON THE RESULT OF LOBBYING.

A LOBBYIST CLIENT SHALL NOT DIRECTLY OR INDIRECTLY PROVIDE COMPENSATION OF ANY KIND TO ANY LOBBYIST WHICH IS CONTINGENT ON THE RESULT OF LOBBYING.

(5) REGISTRATION AND REPORTING BY LOBBYISTS AND LOBBYIST CLIENTS

- (A) A PERSON SHALL REGISTER ELECTRONICALLY WITH THE SECRETARY OF STATE WITHIN FORTY-EIGHT (48) HOURS OF BECOMING A LOBBYIST OR LOBBYIST CLIENT. THE REGISTRATION SHALL INCLUDE SUCH INFORMATION AS THE SECRETARY OF STATE SHALL REQUIRE. THE SECRETARY OF STATE SHALL MAKE THE ENTIRE REGISTRATION IMMEDIATELY AVAILABLE TO THE PUBLIC WITHOUT CHARGE ON THE SECRETARY OF STATE WEBSITE IN A SEARCHABLE FORMAT.
- (B) ALL LOBBYISTS SHALL MAINTAIN A LOBBYING LOG. THE LOBBYING LOG SHALL CONTAIN THE NAMES OF ALL THE PUBLIC OFFICIALS WHOSE OFFICIAL ACTIONS THE LOBBYIST ATTEMPTED TO INFLUENCE. FOR EACH PUBLIC OFFICIAL THE LOG SHALL RECORD THE DATE SUCH INFLUENCE WAS ATTEMPTED; THE PERSON THE LOBBYIST WAS REPRESENTING; THE MEANS BY WHICH IT WAS ATTEMPTED (EMAIL, PHONE CALL, MEAL, MEETING, ETC.); AND THE SUBJECT MATTER ON WHICH INFLUENCE WAS ATTEMPTED. THE SECRETARY OF STATE SHALL DEVELOP A FORM LOBBYING LOG WHICH SHALL BE USED BY ALL LOBBYISTS. A LOBBYIST SHALL FILE A COPY OF HER/HIS LOBBYING LOG TOGETHER WITH THE REPORTS REQUIRED BY SUBSECTION (D). WHEN FILING A COPY OF THE LOG WITH THE SECRETARY OF STATE THE LOBBYIST SHALL CERTIFY UNDER PENALTY OF PERJURY THAT THE LOG IS ACCURATE AND COMPLETE. FOR PURPOSES OF THIS SUBSECTION JUSTICES AND JUDGES ARE NOT INCLUDED IN THE DEFINITION OF "PUBLIC OFFICIAL."
- (C) ALL PUBLIC OFFICIALS SHALL MAINTAIN A LOBBYING LOG. THE LOBBYING LOG SHALL CONTAIN THE NAMES OF ALL LOBBYISTS WHO ATTEMPTED TO INFLUENCE THEIR OFFICIAL ACTIONS; THE DATE(S) SUCH INFLUENCE WAS ATTEMPTED; THE MEANS BY WHICH IT WAS ATTEMPTED (EMAIL, PHONE CALL, MEAL, MEETING, ETC.); AND THE SUBJECT MATTER ON WHICH INFLUENCE WAS ATTEMPTED. NO LOBBYIST OR LOBBYIST CLIENT SHALL HAVE ANY ROLE WHATSOEVER IN CREATING, MAINTAINING, OR REVIEWING THE LOBBYING LOG OF A PUBLIC OFFICIAL. THE SECRETARY OF STATE SHALL DEVELOP A FORM LOBBYING LOG WHICH SHALL BE USED BY PUBLIC OFFICIALS. A PUBLIC OFFICIAL SHALL FILE A COPY OF HER/HIS LOBBYING LOG MONTHLY WITH THE SECRETARY OF STATE ON A SCHEDULE SET BY THE SECRETARY OF STATE. WHEN FILING A COPY OF THE LOG WITH THE SECRETARY OF STATE THE PUBLIC OFFICIAL SHALL CERTIFY UNDER PENALTY OF PERJURY THAT THE LOG IS ACCURATE AND COMPLETE, AND THAT NO LOBBYIST OR LOBBYIST CLIENT HAD ANY ROLE IN CREATING, MAINTAINING, OR REVIEWING THE LOG. FOR PURPOSES OF THIS SUBSECTION JUSTICES AND JUDGES ARE NOT INCLUDED IN THE DEFINITION OF "PUBLIC OFFICIAL."
- (D) LOBBYISTS SHALL ELECTRONICALLY REPORT THE PERSONS FOR WHOM THEY LOBBIED; ALL EXPENDITURES FOR LOBBYING, INCLUDING BUT NOT LIMITED TO ALL COMPENSATION RECEIVED FOR LOBBYING AND THE COST OF ANY PUBLIC COMMUNICATIONS WITH WHICH THEY WERE INVOLVED; AND ANYTHING OF VALUE THEY PROVIDED TO A PUBLIC OFFICIAL. THESE REPORTS SHALL BE FILED MONTHLY ON A SCHEDULE AND WITH SUCH DETAIL AS DETERMINED BY THE SECRETARY OF STATE.
- (E) LOBBYIST CLIENTS SHALL ELECTRONICALLY REPORT ALL PERSONS WHO PERFORMED LOBBYING ON THEIR BEHALF; ALL EXPENDITURES FOR LOBBYING, INCLUDING BUT NOT LIMITED TO THE COST OF PUBLIC COMMUNICATIONS; AND ANYTHING OF VALUE THE LOBBYIST CLIENT OR ITS LOBBYIST(S) PROVIDED TO A PUBLIC OFFICIAL. THESE REPORTS SHALL BE FILED MONTHLY ON A SCHEDULE AND WITH SUCH DETAIL AS DETERMINED BY THE SECRETARY OF STATE.
- (F) ANY PERSON OTHER THAN A LOBBYIST OR LOBBYIST CLIENT WHO MAKES A PUBLIC COMMUNICATION SHALL ELECTRONICALLY FILE A REPORT WITH THE SECRETARY OF STATE WITHIN THIRTY (30) DAYS OF THE COMMUNICATION BECOMING PUBLIC. THE REPORT SHALL CONTAIN THE NAME AND ADDRESS OF THE PERSON PAYING FOR THE COMMUNICATION; THE COST OF THE COMMUNICATION INCLUDING THE COST OF PLANNING, DESIGNING, AND SUPERVISING THE COMMUNICATION; THE TARGET AUDIENCE AND PUBLIC OFFICIAL(S) OF THE COMMUNICATION; AND SUCH OTHER DETAIL AS THE SECRETARY OF STATE MAY REQUIRE.
- (G) PUBLIC COMMUNICATIONS SHALL CONTAIN AN IDENTIFIER AS FOLLOWS:
1. A COMMUNICATION WITH VISUAL COMPONENT SHALL CLEARLY STATE THE NAME AND ADDRESS OF THE PERSON PAYING FOR IT IN A VISIBLE FORMAT DETERMINED BY THE SECRETARY OF STATE.
  2. A COMMUNICATION WHICH IS SOLELY AUDIO SHALL HAVE THE NAME AND ADDRESS OF THE PERSON PAYING FOR IT READ ALOUD IN A FORMAT DETERMINED BY THE SECRETARY OF STATE.
- (H) THE SECRETARY OF STATE SHALL MAKE ALL REPORTS AND LOGS FILED UNDER THIS SUBSECTION IMMEDIATELY AVAILABLE TO THE PUBLIC WITHOUT CHARGE ON THE SECRETARY OF STATE WEBSITE IN A SEARCHABLE FORMAT.

(6) ENFORCEMENT

- (A) THE LEGISLATURE MAY ENACT CRIMINAL PENALTIES FOR VIOLATIONS OF THIS SECTION. THE ATTORNEY GENERAL SHALL ENFORCE THOSE PENALTIES.
- (B) THE LEGISLATURE MAY ENACT CRIMINAL PENALTIES FOR A PERSON'S OFFICERS, DIRECTORS, AND MANAGERIAL EMPLOYEES WHO, HAVING KNOWLEDGE OF THE ACTUAL COMMISSION OF A VIOLATION OF THIS SECTION, CONCEAL AND DO NOT AS SOON AS POSSIBLE MAKE KNOWN THE VIOLATION TO THE SECRETARY OF STATE. THE ATTORNEY GENERAL SHALL ENFORCE THOSE PENALTIES.
- (C) A PERSON WHO REPORTS OR IS ABOUT TO REPORT ANY VIOLATION OR SUSPECTED VIOLATION OF THIS SECTION OR WHO PARTICIPATES IN ANY INVESTIGATION, HEARING, INQUIRY, LAWSUIT, OR PROSECUTION RELATING TO A VIOLATION OR SUSPECTED VIOLATION OF THIS SECTION SHALL NOT BE RETALIATED OR DISCRIMINATED AGAINST IN ANY WAY BY ANY PERSON. ANY PERSON WHO ALLEGES A VIOLATION OF THIS PARAGRAPH MAY BRING A CIVIL ACTION FOR INJUNCTIVE RELIEF, REINSTATEMENT, DAMAGES, COSTS, AND ATTORNEYS' FEES IN THE CIRCUIT COURT FOR THE COUNTY OF THAT PERSON'S RESIDENCE.
- (D) THE SECRETARY OF STATE SHALL DEVELOP AND ADMINISTER AN ADMINISTRATIVE COMPLAINT SYSTEM TO ENFORCE THIS SECTION AND TO ENFORCE ALL OF THE IMPLEMENTING RULES, REGULATIONS, AND PROCEDURES DEVELOPED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION (8)(C). FOR VIOLATIONS OF SUBSECTIONS (2), (4), AND (5) RELATING TO THE BANS ON GIFTS AND CONTINGENT LOBBYING, AND TO THE REPORTING OF LOBBYING EXPENDITURES, THAT SYSTEM SHALL INCLUDE PENALTIES FOR VIOLATIONS OF AT LEAST TRIPLE THE GIFT VALUE OR EXPENDITURE INVOLVED.

ANY CITIZEN OR GROUP OF CITIZENS OF THE STATE WHICH FILES AN ADMINISTRATIVE COMPLAINT AND DISAGREES WITH THE FINAL DECISION OF THE SECRETARY OF STATE ON THAT ADMINISTRATIVE COMPLAINT OR BELIEVES THAT THE SECRETARY OF STATE HAS UNDULY DELAYED THE PROCESSING OF THAT ADMINISTRATIVE COMPLAINT SHALL HAVE STANDING TO BRING A CIVIL ACTION IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM. ALL CIVIL ACTIONS SEEKING REVIEW OF A FINAL ADMINISTRATIVE DECISION SHALL BE FILED WITHIN 180 DAYS OF THE PUBLICATION OF THE FINAL DECISION BY THE SECRETARY OF STATE AND SHALL BE GOVERNED BY THE STANDARDS OF REVIEW IN ARTICLE 6, SECTION 28. IF THE CITIZEN OR GROUP OF CITIZENS PREVAILS IN WHOLE OR IN PART IN ANY CIVIL ACTION AGAINST THE SECRETARY OF STATE, THE COURT SHALL AWARD COSTS AND ATTORNEYS' FEES.

THE ATTORNEY GENERAL SHALL ENFORCE ALL FINAL DECISIONS OF THE SECRETARY OF STATE IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM.

- (E) IN ANY PROCEEDING TO ENFORCE THIS SECTION NO DEFENSE OR CLAIM OF SOVEREIGN, GOVERNMENTAL, EXECUTIVE, JUDICIAL, OR LEGISLATIVE IMMUNITY OR PRIVILEGE, OR ANY OTHER DEFENSE OR CLAIM OF IMMUNITY OR PRIVILEGE, OTHER THAN ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT, MAY BE ASSERTED.
- (F) LOBBYISTS AND LOBBYIST CLIENTS SHALL PRESERVE ALL RECORDS RELATED TO COMPLIANCE WITH THIS SECTION FOR AT LEAST SIX (6) YEARS AFTER REPORTS ARE FILED.

(7) DEFINITIONS

- (A) "ANYTHING OF VALUE" INCLUDES BUT IS NOT LIMITED TO: FOOD; BEVERAGE; LODGING; ENTERTAINMENT; TRANSPORTATION; EDUCATION; HONORARIA; REIMBURSEMENT FOR EXPENSES OF ANY KIND; FREE OR DISCOUNTED SERVICES; FREE OR

DISCOUNTED MEETING OR EVENT SPACE; A PECUNIARY ITEM, INCLUDING BUT NOT LIMITED TO MONEY, CONTRIBUTION, DONATION, PROMISSORY NOTE, BILL OF EXCHANGE, ORDER, DRAFT, WARRANT, CHECK, OR BOND GIVEN FOR THE PAYMENT OF MONEY; A CONTRACT, AGREEMENT, PROMISE, OR OTHER OBLIGATION FOR AN ADVANCE, CONVEYANCE, FORGIVENESS OF INDEBTEDNESS, DEPOSIT, DISTRIBUTION, LOAN, PAYMENT, GIFT, PLEDGE, OR TRANSFER OF MONEY; A STOCK, BOND, NOTE, OR OTHER INVESTMENT INTEREST IN AN ENTITY; A GIFT, TANGIBLE GOOD, CHATTEL, OR AN INTEREST IN A GIFT, TANGIBLE GOOD, OR CHATTEL; REAL PROPERTY OR AN INTEREST IN REAL PROPERTY; A REBATE OR DISCOUNT IN THE PRICE OF ANYTHING UNLESS THE REBATE OR DISCOUNT IS MADE IN THE ORDINARY COURSE OF BUSINESS WITHOUT REGARD TO A PERSON'S STATUS AS A PUBLIC OFFICIAL; A PROMISE OR OFFER OF EMPLOYMENT; AND A PROMISE OR OFFER OF COMPENSATION FOR SERVICES OF ANY KIND.

"ANYTHING OF VALUE" DOES NOT INCLUDE SOLELY PROVIDING INFORMATION TO A PUBLIC OFFICIAL; A CONTRIBUTION TO A CANDIDATE COMMITTEE REGULATED BY THE MICHIGAN CAMPAIGN FINANCE ACT, MCL 169.201 ET SEQ OR A SUCCESSOR STATUTE; A LOAN OR MORTGAGE MADE IN THE ORDINARY COURSE OF BUSINESS WITHOUT REGARD TO A PUBLIC OFFICIAL'S STATUS AND MADE BY A PERSON AUTHORIZED BY LAW TO ENGAGE IN THE BUSINESS OF MAKING LOANS OR MORTGAGES; GIFTS FROM A PERSON RELATED BY BLOOD OR MARRIAGE TO THE PUBLIC OFFICIAL RECIPIENT; A PLAQUE WITH A VALUE OF NO MORE THAN \$250 HONORING A PUBLIC OFFICIAL FOR HER/HIS PUBLIC SERVICE; AND ANYTHING FOR WHICH A PUBLIC OFFICIAL PAYS FULL MARKET VALUE IN ADVANCE, UPON RECEIPT, OR BY A CREDIT ARRANGEMENT IN THE ORDINARY COURSE OF BUSINESS WITHOUT REGARD TO THE PUBLIC OFFICIAL'S STATUS.

- (B) "IMMEDIATE FAMILY" MEANS THE SPOUSE OF A PUBLIC OFFICIAL, AN UNEMANCIPATED CHILD RESIDING IN A PUBLIC OFFICIAL'S RESIDENCE, OR A PERSON CLAIMED BY A PUBLIC OFFICIAL AS A DEPENDENT FOR TAX PURPOSES.
- (C) "INFLUENCE" MEANS TO PROMOTE, SUPPORT, AFFECT, MODIFY, AMEND, OPPOSE, STOP, OR DELAY BY ANY MEANS, INCLUDING BY PROVIDING INFORMATION, STATISTICS, STUDIES, OR ANALYSIS.
- (D) "LOBBY" MEANS ATTEMPTING TO INFLUENCE OR INFLUENCING THE OFFICIAL ACTION OF A PUBLIC OFFICIAL BY DIRECTLY COMMUNICATING WITH A PUBLIC OFFICIAL.

"LOBBY" DOES NOT INCLUDE AN INDIVIDUAL ATTEMPTING TO INFLUENCE OR INFLUENCING THE OFFICIAL ACTION OF A PUBLIC OFFICIAL IF THE INDIVIDUAL DOES NOT RECEIVE ANYTHING OF VALUE FROM A PERSON AS COMPENSATION FOR ATTEMPTING TO INFLUENCE OR INFLUENCING THE OFFICIAL ACTION OF A PUBLIC OFFICIAL; THE GATHERING AND REPORTING OF NEWS AND INFORMATION BY BONA FIDE NEWS MEDIA; THE PUBLICATION OF EDITORIALS BY BONA FIDE NEWS MEDIA; OR THE WORK OF A LAWYER IN AN ADVERSARIAL PROCEEDING OR CONTESTED CASE IN THE EXECUTIVE OR JUDICIAL BRANCHES OF STATE GOVERNMENT.

- (E) "LOBBYIST" MEANS:

1. ANY PERSON WHO IS COMPENSATED MORE THAN \$1,000 A YEAR TO LOBBY; OR
2. A FORMER PUBLIC OFFICIAL WHO IS COMPENSATED MORE THAN \$1,000 A YEAR TO PROVIDE ADVICE ABOUT INFLUENCING THE OFFICIAL ACTION OF A PUBLIC OFFICIAL; TO ASSIST IN PLANNING HOW TO INFLUENCE THE OFFICIAL ACTION OF A PUBLIC OFFICIAL; TO ASSIST IN THE COORDINATION, DIRECTION, OR SUPERVISION OF ATTEMPTS TO INFLUENCE THE OFFICIAL ACTION OF A PUBLIC OFFICIAL; OR TO COORDINATE, DIRECT, OR SUPERVISE ATTEMPTS TO INFLUENCE THE OFFICIAL ACTION OF A PUBLIC OFFICIAL.

- (F) "LOBBYIST CLIENT" MEANS ANY PERSON WHO SPENDS A TOTAL OF MORE THAN \$1,000 A YEAR TO LOBBY, INCLUDING BUT NOT LIMITED TO COMPENSATING LOBBYISTS.
- (G) "PERSON" MEANS AN INDIVIDUAL, BUSINESS, ENTERPRISE, FRANCHISE, PROPRIETORSHIP, FIRM, PARTNERSHIP, JOINT VENTURE, SYNDICATE, BUSINESS TRUST, LABOR ORGANIZATION, COMPANY, CORPORATION, ASSOCIATION, COMMITTEE, OR ANY OTHER ORGANIZATION OR GROUP OF 2 OR MORE PERSONS ACTING JOINTLY, REGARDLESS OF LEGAL FORM.
- (H) "PUBLIC COMMUNICATION" MEANS PAID COMMUNICATION BY ANY PERSON BY ANY MEANS (E.G., TV, RADIO, PHONE, EMAIL, SOCIAL MEDIA, DOOR-TO-DOOR CANVASSING, BILLBOARDS, ETC.) TO THE GENERAL PUBLIC OR ANY PORTION THEREOF FOR THE PURPOSE OF ENCOURAGING MEMBERS OF THE GENERAL PUBLIC TO INFLUENCE THE OFFICIAL ACTION OF A PUBLIC OFFICIAL. A PERSON WHO MAKES ONLY PUBLIC COMMUNICATION(S) DOES NOT THEREBY BECOME A LOBBYIST OR LOBBYIST CLIENT.
- (I) "PUBLIC OFFICIAL" MEANS AN INDIVIDUAL SERVING IN THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, ATTORNEY GENERAL, STATE SENATOR, STATE REPRESENTATIVE, JUSTICE OF THE SUPREME COURT, JUDGE OF THE COURT OF APPEALS, MEMBER OF THE STATE BOARD OF EDUCATION, TRUSTEE OF MICHIGAN STATE UNIVERSITY, REGENT OF THE UNIVERSITY OF MICHIGAN, GOVERNOR OF WAYNE STATE UNIVERSITY, OR ANY OTHER NONFEDERAL ELECTIVE OFFICE WITH STATEWIDE DUTIES; THE PRESIDENT OF AN INSTITUTION OF HIGHER EDUCATION DESCRIBED IN ARTICLE 8, SECTION 4; THE HIGHEST RANKING EMPLOYEE IN THE OFFICE OF EACH STATE SENATOR AND STATE REPRESENTATIVE; MEMBERS OF BOARDS AND COMMISSIONS; HEADS OF PRINCIPAL DEPARTMENTS; THE PRINCIPAL EXECUTIVE OFFICER OF BOARDS AND COMMISSIONS HEADING PRINCIPAL DEPARTMENTS; AND ALL INDIVIDUALS SERVING IN POSITIONS IN THE EXECUTIVE BRANCH WHICH ARE EXEMPT FROM THE CLASSIFIED STATE CIVIL SERVICE. "PUBLIC OFFICIAL" DOES NOT MEAN AN INDIVIDUAL IN THE CLASSIFIED STATE CIVIL SERVICE OR SERVING ON THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION.
- (J) "SEARCHABLE FORMAT" MEANS, AT A MINIMUM, A FORMAT WHICH ALLOWS THE DATA TO BE SEARCHED, SORTED, AND DOWNLOADED.
- (K) "STATE ELECTIVE OFFICER" MEANS AN INDIVIDUAL ELECTED OR APPOINTED TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, ATTORNEY GENERAL, STATE SENATOR, OR STATE REPRESENTATIVE.
- (L) "SUBJECT MATTER" MEANS DESCRIPTIVE TERMS SUCH AS A SPECIFIC ISSUE OR TOPIC, AN APPOINTMENT, AN EXECUTIVE ORDER, A REGULATION, A RULE, A GUIDANCE, A LICENSE, A POLICY, A PROGRAM, AND SO FORTH. A SPECIFIC BILL NUMBER, REGULATION TITLE, APPOINTED POSITION, AND SO FORTH MAY BE DISCLOSED AS PART OF "SUBJECT MATTER" BUT IS NOT REQUIRED. "SUBJECT MATTER" DOES NOT INCLUDE THE ACTUAL WORDS OF A DIRECT COMMUNICATION BETWEEN A LOBBYIST AND A PUBLIC OFFICIAL.

## (8) IMPLEMENTATION

- (A) EXCEPT AS SET FORTH IN THIS SECTION, THIS SECTION SHALL BE SELF-EXECUTING.
- (B) IF ANY PROVISION OF THIS SECTION OR THE APPLICATION OF ANY PROVISION OF THIS SECTION TO ANY CIRCUMSTANCE IS HELD INVALID OR PREEMPTED, THAT INVALIDITY OR PREEMPTION SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION AND TO THIS END THE PROVISIONS OF THIS SECTION ARE DECLARED TO BE SEVERABLE.
- (C) DUTIES OF THE SECRETARY OF STATE.

EXCEPT AS EXPRESSLY SET FORTH IN THIS SECTION, THE IMPLEMENTATION AND ADMINISTRATION OF THIS SECTION SHALL BE EXCLUSIVELY VESTED IN THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL COMPLETE THE INITIAL IMPLEMENTATION OF THIS SECTION WITHIN SIX (6) MONTHS OF ITS ADOPTION BY THE VOTERS.

THE SECRETARY OF STATE SHALL HAVE THE EXCLUSIVE AUTHORITY TO PROMULGATE ALL RULES, REGULATIONS, PROCEDURES, AND FORMS NECESSARY TO IMPLEMENT AND ADMINISTER THIS SECTION SUBJECT ONLY TO THE CONDITIONS SET FORTH IN THIS SECTION. THIS EXCLUSIVE AUTHORITY SHALL NOT BE SUBJECT TO CHANGE, TRANSFER, REORGANIZATION, REASSIGNMENT, ALTERATION, OR ABROGATION BY ANY PERSON OR PERSONS IN THE EXECUTIVE OR LEGISLATIVE BRANCHES, OR BY THE USE OF ARTICLE 2, SECTION 9.

IN ADDITION TO CARRYING OUT THE DUTIES DELEGATED TO THE SECRETARY OF STATE BY THIS SECTION, THE SECRETARY OF STATE SHALL DO ALL THE FOLLOWING:

- 1) CREATE AN ELECTRONIC FILING AND PUBLIC DISCLOSURE SYSTEM(S) SO THAT ALL REQUIRED FILINGS CAN BE MADE EASILY AND TIMELY, AND BE EASILY AND PROMPTLY AVAILABLE TO THE PUBLIC IN A SEARCHABLE FORMAT.
- 2) FINE PERSONS WHO FILE LATE LOBBYIST AND LOBBYIST CLIENT REGISTRATIONS AT LEAST \$1,000 PER DAY, WHICH FINES SHALL NOT BE WAIVED OR CUMULATIVELY LIMITED; FINE PERSONS WHO FILE LATE REPORTS AT LEAST \$1,000 PER DAY WHICH FINES SHALL NOT BE WAIVED OR CUMULATIVELY LIMITED; AND DETERMINE WHETHER ADDITIONAL FINES, PENALTIES, LATE FILING FEES, ETC. ARE NECESSARY TO ENSURE COMPLIANCE WITH THIS SECTION AND ENACT THEM.



- 3) ESTABLISH A COMPLIANCE PROCESS TO INVESTIGATE AND RESOLVE ADMINISTRATIVE COMPLAINTS OR COMPLIANCE REFERRALS FROM THE BUREAU OF ELECTIONS INVOLVING ALLEGED VIOLATIONS OF THIS SECTION OR ITS IMPLEMENTING RULES AND REGULATIONS, WHICH PROCESS SHALL INCLUDE COURT-SUPERVISED SUBPOENA AUTHORITY, CONCILIATION, CEASE AND DESIST AUTHORITY, HEARINGS ON COMPLAINTS, REFERRALS TO THE ATTORNEY GENERAL UPON FINDING REASON TO BELIEVE A VIOLATION HAS OCCURRED, AND SUCH OTHER PROCEDURES AS THE SECRETARY OF STATE DEEMS NECESSARY.
- 4) DEVELOP A PROCEDURE FOR INTERESTED PERSONS TO REQUEST AN OPINION ON THE APPLICATION OF THIS SECTION, ITS RULES, OR ITS REGULATIONS TO A SPECIFIC SET OF FACTS.
- 5) PRODUCE AND IMPLEMENT A METHOD TO ADJUST ALL DOLLAR AMOUNTS IN THIS SECTION FOR INFLATION ON A REGULAR BASIS.
- 6) UNDERTAKE ALL ACTIONS WHICH ARE NECESSARY AND PROPER FOR THE IMPLEMENTATION AND ADMINISTRATION OF THIS SECTION.

THE LEGISLATURE ANNUALLY SHALL APPROPRIATE SUFFICIENT FUNDS TO THE DEPARTMENT OF STATE TO ENABLE THE SECRETARY OF STATE TO IMPLEMENT AND ADMINISTER THIS SECTION, AND THE GOVERNOR SHALL NOT VETO SUCH FUNDING. THE SECRETARY OF STATE SHALL HAVE LEGAL STANDING TO PROSECUTE ANY LAWSUITS TO ENFORCE THE LEGISLATURE'S AND GOVERNOR'S OBLIGATIONS TO TIMELY AND FULLY APPROPRIATE SUCH FUNDS.

ALL ACTIONS REQUIRED OR AUTHORIZED BY THIS SECTION TO BE UNDERTAKEN BY THE SECRETARY OF STATE, INCLUDING THE PROMULGATION OF RULES, REGULATIONS, PROCEDURES, AND FORMS, SHALL HAVE THE IMMEDIATE FULL FORCE AND EFFECT OF LAW. THEY SHALL NOT BE SUBJECT TO CONTROL, REVIEW, AMENDMENT, APPROVAL, DISAPPROVAL, VETO, OR ANY SIMILAR ACTIONS BY ANY PERSON OR PERSONS IN THE EXECUTIVE OR LEGISLATIVE BRANCHES, AND THEY SHALL NOT BE SUBJECT TO ARTICLE 2, SECTION 9.

ALL FINAL ACTIONS OF THE SECRETARY OF STATE EXCEPT IN ADMINISTRATIVE COMPLAINT OR COMPLIANCE MATTERS MAY BE REVIEWED IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM AS FOLLOWS. ANY CITIZEN OR GROUP OF CITIZENS SHALL HAVE STANDING TO FILE SUCH A PETITION FOR REVIEW. A PETITION FOR REVIEW SHALL BE FILED WITHIN 180 DAYS OF THE FINAL ACTION UPON WHICH REVIEW IS SOUGHT. THE CIRCUIT COURT AND ANY SUBSEQUENT APPELLATE COURT SHALL REVIEW A FINAL ACTION OF THE SECRETARY OF STATE SOLELY AS TO WHETHER IT VIOLATES THIS SECTION, OR WHETHER IT IS ARBITRARY AND CAPRICIOUS.

(D) THIS SECTION DOES NOT AFFECT THE RIGHT TO AMEND OR REVISE THIS CONSTITUTION UNDER ARTICLE XII.

#### Article IV Legislative Branch

##### § 1 Legislative power.

Sec. 1. Except to the extent limited or abrogated by ARTICLE III, SECTION 9, article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

##### § 31 General appropriation bills; priority, statement of estimated revenue.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed. THE PROVISIONS OF THIS SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH ARTICLE III, SECTION 9.

##### § 37 Administrative rules, suspension by legislative committee.

Sec. 37. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE III, SECTION 9, the legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

#### Article V Executive Branch

##### § 1 Executive power.

Sec. 1. Except to the extent limited or abrogated by ARTICLE III, SECTION 9, article V, section 2, or article IV, section 6, the executive power is vested in the governor.

##### § 2 Principal departments.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor, and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

##### Organization of executive branch; assignment of functions; submission to legislature.

Subsequent to the initial allocation AND EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE III, SECTION 9, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

##### Exemption for independent citizens redistricting commission for state legislative and congressional districts.

Notwithstanding any other provision of this constitution or any prior judicial decision, as of the effective date of the constitutional amendment adding this provision, which amends article IV, sections 1 through 6, article V, sections 1, 2 and 4, and article VI, sections 1 and 4, including this provision, for purposes of interpreting this constitutional amendment the people declare that the powers granted to independent citizens redistricting commission for state and congressional districts (hereinafter, "commission") are legislative functions not subject to the control or approval of the governor, and are exclusively reserved to the commission. The commission, and all of its responsibilities, operations, functions, contractors, consultants and employees are not subject to change, transfer, reorganization, or reassignment, and shall not be altered or abrogated in any manner whatsoever, by the governor. No other body shall be established by law to perform functions that are the same or similar to those granted to the commission in article IV, section 6.

##### § 18 Budget; general and deficiency appropriation bills.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations. THE PROVISIONS OF THIS SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH ARTICLE III, SECTION 9.

##### § 19 Disapproval of items in appropriation bills.

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto. THE PROVISIONS OF THIS SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH ARTICLE III, SECTION 9.

##### § 20 Reductions in expenditures.

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes. THE PROVISIONS OF THIS SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH ARTICLE III, SECTION 9.

Article VI  
Judicial Branch

§ 1 Judicial power in court of justice; divisions.

Sec. 1. Except to the extent limited or abrogated by ARTICLE III, SECTION 9, article IV, section 6, or article V, section 2, the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 4 General superintending control over courts; writs; appellate jurisdiction.

Sec. 4. Except to the extent limited or abrogated by ARTICLE III, SECTION 9, article IV, section 6, or article V, section 2, the supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

§ 28 Administrative action, review.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE III, SECTION 9, this review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

Property tax valuation or allocation; review.

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

§ 30 Judicial tenure commission; selection; terms; duties; power of supreme court.

Sec. 30. (1) A judicial tenure commission is established consisting of nine persons selected for three-year terms as follows: Four members shall be judges elected by the judges of the courts in which they serve; one shall be a court of appeals judge, one a circuit judge, one a probate judge and one a judge of a court of limited jurisdiction. Three shall be members of the state bar who shall be elected by the members of the state bar of whom one shall be a judge and two shall not be judges. Two shall be appointed by the governor; the members appointed by the governor shall not be judges, retired judges or members of the state bar. Terms shall be staggered as provided by rule of the supreme court. Vacancies shall be filled by the appointing power.

(2) On recommendation of the judicial tenure commission, the supreme court may censure, suspend with or without salary, retire or remove a judge for conviction of a felony, physical or mental disability which prevents the performance of judicial duties, misconduct in office, persistent failure to perform his duties, habitual intemperance or conduct that is clearly prejudicial to the administration of justice. The supreme court shall make rules implementing this section and providing for confidentiality and privilege of proceedings.

(3) THE PROVISIONS OF THIS SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH ARTICLE III, SECTION 9.

Article IX  
Finance and Taxation

§ 17 Payments from state treasury.

Sec. 17. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE III, SECTION 9, no money shall be paid out of the state treasury except in pursuance of appropriations made by law.

Provisions of existing constitution altered or abrogated by the proposal if adopted:

ARTICLE I  
DECLARATION OF RIGHTS

§ 3 Assembly, consultation, instruction, petition.

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

§ 5 Freedom of speech and of press.

Sec. 5. Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press.

ARTICLE II  
ELECTIONS

§ 9 Initiative and referendum; limitations; appropriations; petitions.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

Referendum, approval.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Initiative; duty of legislature, referendum.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

Legislative rejection of initiated measure; different measure; submission to people.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Initiative or referendum law; effective date, veto, amendment and repeal.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors

at the same election conflict, that receiving the highest affirmative vote shall prevail.

#### **Legislative implementation.**

The legislature shall implement the provisions of this section.

### ARTICLE III GENERAL GOVERNMENT

#### **§ 1 Seat of government.**

Sec. 1. The seat of government shall be at Lansing.

#### **§ 2 Separation of powers of government.**

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

#### **§ 3 Great seal.**

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be provided by law.

#### **§ 4 Militia.**

Sec. 4. The militia shall be organized, equipped and disciplined as provided by law.

#### **§ 5 Intergovernmental agreements; service by public officers and employees.**

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

#### **§ 6 Internal improvements.**

Sec. 6. The state shall not be a party to, nor be financially interested in, any work of internal improvement, nor engage in carrying on any such work, except for public internal improvements provided by law.

#### **§ 7 Common law and statutes, continuance.**

Sec. 7. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

#### **§ 8 Opinions on constitutionality by supreme court.**

Sec. 8. Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date.

### ARTICLE IV LEGISLATIVE BRANCH

#### **§ 1 Legislative power.**

Sec. 1. Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

#### **§ 31 General appropriation bills; priority, statement of estimated revenue.**

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

#### **§ 37 Administrative rules, suspension by legislative committee.**

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

### ARTICLE V EXECUTIVE BRANCH

#### **§ 1 Executive power.**

Sec. 1. Except to the extent limited or abrogated by article V, section 2, or article IV, section 6, the executive power is vested in the governor.

#### **§ 2 Principal departments.**

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor, and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

#### **Organization of executive branch; assignment of functions; submission to legislature.**

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

#### **Exemption for independent citizens redistricting commission for state legislative and congressional districts.**

Notwithstanding any other provision of this constitution or any prior judicial decision, as of the effective date of the constitutional amendment adding this provision, which amends article IV, sections 1 through 6, article V, sections 1, 2 and 4, and article VI, sections 1 and 4, including this provision, for purposes of interpreting this constitutional amendment the people declare that the powers granted to independent citizens redistricting commission for state and congressional districts (hereinafter, "commission") are legislative functions not subject to the control or approval of the governor, and are exclusively reserved to the commission. The commission, and all of its responsibilities, operations, functions, contractors, consultants and employees are not subject to change, transfer, reorganization, or reassignment, and shall not be altered or abrogated in any manner whatsoever, by the governor. No other body shall be established by law to perform functions that are the same or similar to those granted to the commission in article IV, section 6.

**§ 18 Budget; general and deficiency appropriation bills.**

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

**§ 19 Disapproval of items in appropriation bills.**

Sec. 19. The governor may disapprove any distinct item or items appropriating moneys in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

**§ 20 Reductions in expenditures.**

Sec. 20. No appropriation shall be a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures prescribed by law. The governor may not reduce expenditures of the legislative and judicial branches or from funds constitutionally dedicated for specific purposes.

ARTICLE VI

JUDICIAL BRANCH

**§ 1 Judicial power in court of justice; divisions.**

Sec. 1. Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

**§ 4 General superintending control over courts; writs; appellate jurisdiction.**

Sec. 4. Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

**§ 28 Administrative action, review.**

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

**Property tax valuation or allocation; review.**

In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation.

**§ 30 Judicial tenure commission; selection; terms; duties; power of supreme court.**

Sec. 30. (1) A judicial tenure commission is established consisting of nine persons selected for three-year terms as follows: Four members shall be judges elected by the judges of the courts in which they serve; one shall be a court of appeals judge, one a circuit judge, one a probate judge and one a judge of a court of limited jurisdiction. Three shall be members of the state bar who shall be elected by the members of the state bar of whom one shall be a judge and two shall not be judges. Two shall be appointed by the governor; the members appointed by the governor shall not be judges, retired judges or members of the state bar. Terms shall be staggered as provided by rule of the supreme court. Vacancies shall be filled by the appointing power.

(2) On recommendation of the judicial tenure commission, the supreme court may censure, suspend with or without salary, retire or remove a judge for conviction of a felony, physical or mental disability which prevents the performance of judicial duties, misconduct in office, persistent failure to perform his duties, habitual intemperance or conduct that is clearly prejudicial to the administration of justice. The supreme court shall make rules implementing this section and providing for confidentiality and privilege of proceedings.

ARTICLE IX  
FINANCE AND TAXATION

**§ 17 Payments from state treasury.**

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.