

Campaign Finance Complaint Form Michigan Department of State

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence. **Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name <i>ROBERT LABRANT</i>	Daytime Telephone Number <i>(517) 881-5146</i>	
Mailing Address <i>12411 Pine Ridge Drive</i>		
City <i>PERRY</i>	State <i>MI</i>	Zip <i>48872</i>

Section 2. Alleged Violator		
Name <i>SECRETARY OF STATE; BUREAU OF ELECTIONS</i>		
Mailing Address <i>Richard H. Austin Building - 1st Floor 430 West Allegan St.</i>		
City <i>LANSING</i>	State <i>MI</i>	Zip <i>48918</i>

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated: *517*

Explain how those sections were violated:

See Attached Complaint's statement of Facts and Alleged Violation

Evidence that supports those allegations (attach copies of pertinent documents and other information):

Attached is 14-page Initiative and Referendum Memorandum; Media reports of Aug 17th State Board of CANVASSERS Meeting

RECEIVED/FILED
 MICHIGAN DEPT OF STATE
 2017 AUG 24 PM 1:11
 ELECTIONS/GREAT SEALS

Section 4. Certification (Required)

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

X

Robert L. Grant
Signature of Complainant

August 24, 2017
Date

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

X

Signature of Complainant

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form with an original signature and evidence to the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918

COMPLAINT'S STATEMENT OF FACTS

1. Both the Secretary of State and its Elections Bureau meet the definition of a "public body" within the meaning of Sec. 11 (7) (a) (of the Michigan Campaign Finance Act (MCFA) (MCL 169.211) which reads as follows:
"A state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government." (emphasis added).
2. A "public body" is prohibited in Sec. 57 (1) of the MCFA (MCL 169.257) from making a "contribution" or "expenditure".
3. "Contribution" is defined in Sec. 4(1) of the MCFA (MCL 169.204) which reads as follows:
"Sec. 4(1) "Contribution" means a payment, gift subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for influencing the nomination or election of a candidate, for the qualification, passage or defeat of a ballot question, or for the qualification of a new political party."
4. "Expenditure" is defined in Sec. 6 (1) (a) of the MCFA (169.206) which reads as follows:
(1) "Expenditure" means a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to the nomination or election of a candidate, the qualification, passage or defeat of a ballot question, or the qualification of a new political party. Expenditure includes, but is not limited to, any of the following:
(a) A contribution or transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of a candidate, the qualification, passage or defeat of a ballot question, or the qualification of a new political party. (emphasis added).
5. "In-kind contribution or expenditure" is defined in Sec. 9 (3) of the MCFA (MCL 169.209) as "means a contribution or expenditure other than money."
6. "Qualification" is not defined in the definition sections of the MCFA. Since a definition has not been enacted, the term assumes its ordinary meaning. The *Merriam-Webster Dictionary* defines "Qualification" as a condition or standard that must be complied with."

"Qualification" begins a multi-stage process that first leads to the proposal being cleared for circulation. Included in this stage a petition sponsor may voluntarily have the

petition approved as to form by the State Board of Canvassers. The Bureau of Elections is empowered to consult with a petition's sponsor on technical formatting requirements. Specifically excluded from staff review is the substance of the proposal which appears on the petition.

While Michigan law does not require the pre-approval of the petition form, such approval greatly reduces the risk that signatures collected on the form will be ruled invalid due to formatting defects.

One mandatory requirement before a petition can be circulated, is that a petition must be filed with the Bureau of Elections under the provisions of Sec. 483a of the Michigan Election Law (MCL 168.483a).

Once a petition is filed under Sec. 483a, the petition is cleared for circulation. The signature collection the next phase of the qualification process can now begin. For a constitutional amendment, valid signatures equal to 10% of the total vote cast for governor in the last election, must be collected in a 180-day time period.

The Bureau of Elections after the petition filing deadline, will recommend to the State Board of Canvassers certification of signature sufficiency, such a finding is required to place the proposal on the November general election ballot based upon the results of the Bureau's face check of the petitions and a random sample check of signatures against the qualified voter file. That action would conclude the process of "qualification."

7. Secretary of State Ruth Johnson has posted a July 2017, 14-page informational memorandum on the department's website entitled "INITIATIVE AND REFERENDUM PETITIONS. (See attachment 1). On page 1 of that document under Petition Format, the Secretary states the following:

"As a service to those interested in launching an initiative or referendum petition drive, the Michigan Department of State's Bureau of Elections offers its staff for consultations on the various petition formatting requirements, provided that the petition sponsor intends to submit the petition to the Board of State Canvassers for approval as to form. Please note that while staff consultations include a thorough review of whether the petition complies with the technical formatting requirement described below, the following features are not subject to staff review and are solely the responsibility of the petition sponsor: type size, the substance of the proposal which appears on the petition, the substance of the summary of the proposal which appears on the signature side of the petition, and the manner in which the proposal language is affixed to the petition.

Therefore, petition sponsors are strongly encouraged to seek legal counsel with respect to these aspects of their proposal. (emphasis added).

On page 2 of that document under Optional "Approval as to Form" Process, The Secretary states for a second time the following:

"Upon determining through the consultation process that an initiative or referendum is properly formatted, it is submitted to the Board of State Canvassers for approval as to form. The Board's approval process does not include a review of the language or summary of the proposed initiative or referendum, or the manner in which the proposed language is affixed to the petition. (emphasis added).

8. The ballot question committee "Voters Not Politicians" (VNP) submitted to the Bureau of Elections on June 29, 2017 a petition seeking its review of its format intending to participate in the optional approval as to form process. It was not until August 17, 2017, the VNP petition was on the agenda of the Board of State Canvassers and approved as to form.

Gongwer in reporting the August 17, 2017 State Board of Canvassers meeting wrote the following:

"Sally Williams, the state's elections director, said the proposed change in the reapportionment system was" the most complex presented to us in recent history." It would alter or abrogate 11 sections of the Constitution and affect all three branches of government.

That meant the state Elections Bureau had to work continuously with officials of Voters Not Politicians and its lawyers to clarify all the provisions. The whole process took some six weeks and while some in the group thought the state was deliberately holding the petition up. Ms. Williams said they needed to conduct the review carefully.

In all there were six drafts of the petition, including one issued this week, and the final version refers to the sections of the Constitution being altered and not abrogated.

The bureau recommended the petition be approved."

MIRS NEWS SERVICE reporting in its August 17, 2017 edition, quoted Williams saying after the canvassers meeting, "For anyone who has been left with the impression there have been unnecessary or deliberate delays in the review process. I can assure this has not been the case."

A transcript of the proceedings of the State Board of Canvassers August 17, 2017 meeting was made and can verify those media reports.

9. Sec. 22g of the Michigan Election Law (MCL 168.22g) states that all expenses incurred for services performed by the office of the secretary of state for the board of state canvassers shall be charged against funds appropriated to the board of state canvassers and credited to the secretary of state. Those expense records can be useful to establish an ascertainable monetary value for the services the Bureau of Elections provided in consultative services to VNP.
10. Sec. 15 (9) of the MCFA (MCL 169.215), provides that if an alleged violation of the act involves the secretary of state, the secretary of state shall refer the matter to the attorney general to determine whether a violation of the MCFA has occurred.

ALLEGED VIOLATION

1. The Bureau of Elections as a public body has provided services, including staff legal review, to a ballot question that assisted them during the qualification phase of their campaign. Such services are prohibited by sec. 57. The Bureau's conduct went far beyond formatting issues and provided suggestions and critiques of the text in the proposal including, what in the Constitution was being altered or abrogated by the proposal. It is not the role of the Election Bureau to provide drafting or legal advice to a ballot question.
2. According to Secretary Johnson's July 2017 publication on Initiative and Referendum Petitions, the consultative role of the Bureau of Elections is restricted to the format of the petition not to the text or language used in the petition or the provisions of the constitution that are altered or abrogated. The Bureau of Elections staff chose to ignore that limitation.
3. The Bureau of Elections staff may review the following:
 - Sheet size,
 - Identification of petition type such as INTIATIVE PETITION AMENDMENT TO THE CONSTITUTION on the left margin,
 - Heading of petition,
 - Warning to petition signers,
 - Entry spaces for 15 signers including space signatures, printed names, street address, zip code and date of signing,
 - Circulator's statement,
 - Warning to circulators
 - Space for circulator's signature and address
 - Identification of petition sponsor

4. The Bureau of Elections is also permitted to consult with the petition sponsors on approved petition design options. To include the following:
- Extension for instructional and/or promotional language
 - Accommodations for lengthy initiatives
 - Clarification of Constitutional amendment
 - Modifications in column headings over signers' entry lines
 - Presentation of circulator's statement in first person
 - Modification in circulator's entry lines
 - Reduction in number of entry lines for signers
5. It doesn't take six drafts of a petition over a 55-day period for the Bureau of Elections to recommend approval of a petition as to form to the State Board of Canvassers based on formatting issues. The Bureau of Elections in this election cycle has engaged in mission creep in its consultative role to the sponsor of Voters Not Politicians (VNP). This mission creep must stop because it violates sec. 57. The Bureau's staff has worked with this group to craft and edit language used in the text of the proposal and helped to identify where the Constitution has been altered or abrogated in their proposal. Sally Williams, the Bureau's director in news reports has admitted as much. The Bureau of Elections ignored their own 14-page Initiative and Referendum memorandum posted on the department's website which spells out what and what cannot be reviewed in a staff consultation with a ballot question, choosing instead to take a misplaced, over-zealous attempt at being customer-friendly even though the service the Bureau provided VNP is illegal, by violating sec. 57 in the qualification of the VNP proposal.

In accord with Section 15 (9) of Michigan Campaign Finance Act (MCL 169.215), I respectfully request that this complaint against the Secretary of State and its Election Bureau be forwarded to the Secretary of State for her referral to the Attorney General to determine whether a violation of the Act has occurred.

SIGNED Robert LaBrant Date Aug 24, 2017
Robert LaBrant



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

July 2017

-- INITIATIVE AND REFERENDUM PETITIONS --

The following provides information on launching a petition drive to amend the state constitution, initiate new legislation, amend existing legislation or subject newly enacted legislation to a referendum vote.

Changes from the March 2015 publication / New for the 2017-2018 election cycle:

- 2018 filing deadlines (see p. 4)
- 180-day petition circulation period (see p. 3)

Petition Format

Michigan election law, MCL 168.544d, grants the Secretary of State the authority to prescribe a petition form for the countywide circulation of initiative and referendum petitions. MCL 168.544d further provides that the prescribed form must be in substantial compliance with MCL 168.544c and MCL 168.482 -- two additional provisions of Michigan election law which address the formatting of petitions. A description of the prescribed initiative and referendum petition format and the pertinent provisions of the State Constitution and Michigan election law are included with this informational packet for your reference.

As a service to those interested in launching an initiative or referendum petition drive, the Michigan Department of State's Bureau of Elections offers its staff for consultations on the various petition formatting requirements, provided that the petition sponsor intends to submit the petition to the Board of State Canvassers for approval as to form. Please note that while staff consultations include a thorough review of whether the petition complies with the technical formatting requirements described below, the following features are *not* subject to staff review and are solely the responsibility of the petition sponsor: type size, the substance of the proposal which appears on the petition, the substance of the summary of the proposal which appears on the signature side of the petition, and the manner in which the proposal language is affixed to the petition. Therefore, petition sponsors are strongly encouraged to seek legal counsel with respect to these aspects of their proposal.

Mandatory Petition Filing Requirement

Proponents of initiative and constitutional amendment petitions are required to submit a copy of their petition (or amended petition) to the Secretary of State prior to the

circulation of the petition. MCL 168.483a. This requirement applies to every petition to initiate legislation or amend the constitution, even if the sponsor does not intend to submit the petition to the Board of State Canvassers for approval as to form (described below).

Please note that any changes made to the petition after the initial submission to the Secretary of State must be submitted as an amended petition.

The full text of each initiative and constitutional amendment proposal will be posted on the Secretary of State's website, www.michigan.gov/elections.

It is important to note that consultations with staff of the Bureau of Elections regarding compliance with the technical formatting requirements are not available to the petition sponsor unless the sponsor intends to engage in the optional approval as to form process (described below).

FILING INSTRUCTIONS:

1. Submit 15 proof copies of the petition. Materials must be sent to the Secretary of State in care of the Bureau of Elections, Richard H. Austin Building, 430 West Allegan Street, 1st Floor, Lansing, Michigan 48918. This address may be used for hand delivery, overnight delivery, or U.S. Mail.
2. Email an electronically generated pdf of the petition to elections@michigan.gov. In the subject line of the email message, please indicate, "483a – Petition Attached."

Optional "Approval As To Form" Process

In addition, proponents of petitions to initiate legislation, amend the constitution, or invoke the right of referendum are urged to submit a proof copy of the petition to the Board of State Canvassers for approval as to form prior to the circulation of the petition. While Michigan election law does not require the pre-approval of the petition form, such approval greatly reduces the risk that signatures collected on the form will be ruled invalid due to formatting defects.

Upon determining through the consultation process that an initiative or referendum petition is properly formatted, it is submitted to the Board of State Canvassers for approval as to form. The Board's approval process does *not* include a review of the language or summary of the proposed initiative or referendum, or the manner in which the proposal language is affixed to the petition.

Please note that staff consultations regarding compliance with the technical formatting requirements are only available to petition sponsors who intend to participate in this optional approval as to form process. The time it takes to complete the consultation process will vary depending on the type of petition and complexity of the proposal; sponsors should plan accordingly.

Further, any changes made to the petition after it has been approved as to form by the Board of State Canvassers must be submitted as an amended petition with a newly executed Printer's Affidavit.

FILING INSTRUCTIONS:

1. Complete and sign the attached PRINTER'S AFFIDAVIT before a notary public and attach 15 proof copies of the petition. Materials must be sent to the Board of State Canvassers in care of the Bureau of Elections, Richard H. Austin Building, 430 West Allegan Street, 1st Floor, Lansing, Michigan 48918. This address may be used for hand delivery, overnight delivery, or U.S. Mail.
2. Email an electronically generated pdf of the petition to elections@michigan.gov. In the subject line of the email message, please indicate, "BSC – Petition Attached."
3. All filing materials must be received at least 48 hours prior to the Board of State Canvassers meeting at which the petition will be considered. If the petition sponsor fails to timely file all of the required materials, the petition will not be placed on the meeting agenda.

Circulation Period

Michigan election law states, "The signature on a petition that proposes an amendment to the constitution or is to initiate legislation shall not be counted if the signature was made more than 180 days before the petition is filed with the office of the secretary of state." MCL 168.472a; Public Act 142 of 2016 (effective June 7, 2016). Given this provision, signatures more than 180 days old on the date an initiative petition is filed are invalid and not counted toward the minimum number of signatures required to qualify for placement on the ballot.

A referendum petition can be circulated from the date the law involved is enacted by the legislature to the filing deadline imposed under Art. II, Sec. 9 of the State Constitution (90 days following the final adjournment of the legislative session at which the law was enacted).

Law Regarding Non-Resident Petition Circulators

Michigan election law authorizes the sponsors of petitions for statewide ballot proposals to utilize petition circulators who are not Michigan residents, provided that the nonresident circulators agree to accept the jurisdiction of the State of Michigan and service of process upon the Secretary of State or her designated agent. A nonresident circulator must make a cross or check mark in the box provided on the petition sheet agreeing to these terms, "otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official." MCL 168.544c(1).

Instructions for printing the nonresident circulator agreement are provided in the attached publication, "Initiative and Referendum Petitions – Prescribed Format," Section I, "Space for Circulator's Signature and Address".

Filing Deadline and Signature Requirements

Upcoming deadlines for filing an initiative or referendum petition and the minimum number of signatures required on the petitions are listed below. MCL 168.471; Art. II, Sec. 9, of State Constitution; Art. XII, Sec. 2, of State Constitution.

<u>TYPE OF PETITION</u>	<u>FILING DEADLINE</u>	<u>SIGNATURE REQUIREMENT</u>
Initiative to create new or amend existing legislation	May 30, 2018	252,523
Initiative to amend the State Constitution	July 9, 2018	315,654
Referendum on legislation	90 days following the final adjournment of the legislative session at which the law was enacted. ¹	157,827

The number of signatures gathered on an initiative or referendum petition should be significantly greater than the minimum number required as invalid signatures are eliminated through a verification process which involves a random sample of the submitted signatures. The sponsors of initiative and referendum petitions are permitted to make one signature submission only; Michigan election law, MCL 168.475(2), prohibits the submission of supplemental signatures after the submission of the initial filing.

Filing Location

Statewide initiative and referendum petitions are filed with the Michigan Department of State's Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. Please contact the Bureau of Elections at 517-373-2540 to make arrangements for the submission of the petition well in advance of the applicable filing deadline.

Disposition of Proposal

INITIATIVE TO CREATE NEW OR AMEND EXISTING LEGISLATION: If the petition is determined to contain a sufficient number of valid signatures by the Board of State Canvassers, the state legislature has 40 session days to adopt or reject the proposal.

¹ For legislation enacted in 2016, the filing deadline was March 28, 2017, the 90th day following the final adjournment of the legislature, which occurred on December 28, 2016. Senate Concurrent Resolution No. 33 (2016).

Art. II, Sec. 9, of the Michigan Constitution provides: "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."

If a majority of the votes cast are in favor of the legislative initiative and/or any alternative proposal placed on the ballot, the measure goes into effect. The Michigan Constitution further provides: "... If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail." Art. II, Sec. 9.

INITIATIVE TO AMEND THE STATE CONSTITUTION: If the petition is determined to contain a sufficient number of valid signatures by the Board of State Canvassers, the proposed amendment is placed on the next general election ballot for the consideration of the state's voters. If approved by a majority of voters voting on the question, the proposed constitutional amendment goes into effect. Art. XII, Sec. 2.

REFERENDUM ON LEGISLATION: If the petition is determined to contain a sufficient number of valid signatures by the Board of State Canvassers, the implementation of the law involved is suspended pending the placement of the law on the next general election ballot for the consideration of the state's voters. A majority vote determines whether the law goes into effect. MCL 168.477(2).

Law Available

A copy of the compiled Michigan election law may be obtained for \$7.50 from the Department of State's Bureau of Elections. Please make your check or money order payable to the "State of Michigan." The Michigan Constitution and election law can also be accessed through the Web site maintained by the Michigan State Legislature, www.legislature.mi.gov.

Questions?

If you have any questions, please do not hesitate to contact the Michigan Department of State, Bureau of Elections at:

P.O. Box 20126, Lansing, MI 48901-0726
Phone: (517) 373-2540
Fax: (517) 241-4785
Email: elections@michigan.gov



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

July 2017

**INITIATIVE AND REFERENDUM PETITIONS
- PRESCRIBED FORMAT -**

I. STANDARD FORMAT

Sheet Size

The size of the petition sheet shall be 8 ½ by 14 inches. MCL 168.482(1). The petition format shall be arranged horizontally (in landscape layout) on the sheet. MCL 168.544d.

Presentation of Proposal

The proposal shall be presented in 8-point type as described below. MCL 168.482(3).

CONSTITUTIONAL AMENDMENT: The full text of a constitutional amendment shall appear at the top of the signature side of the petition sheet after an introduction which specifies the provision or provisions of the State Constitution which the proposal is designed to alter, eliminate or create. If the proposal would alter or abrogate one or more existing provisions of the State Constitution, the full text of the provision or provisions which would be altered or abrogated by the proposal shall appear beneath the proposal, preceded by the words: "Provisions of existing constitution altered or abrogated by the proposal if adopted." MCL 168.482(3).

A proposed amendment is said to "alter" an existing provision only when the amendment would actually add to, delete from, or change the existing wording of a provision of the State Constitution. A proposed amendment would "abrogate" (eliminate) an existing provision if it would: (a) render that provision or some discrete component of it wholly inoperative, a nullity; or (b) become impossible for the proposed amendment to be harmonized with an existing provision of the State Constitution when the proposed amendment and existing provision are read together.

If there is not sufficient space at the top of the signature side of the petition sheet to print all of the foregoing, the introduction shall be followed by a brief synopsis of the proposal and reference shall be made to the reverse side of the sheet for the full text of the proposal. The full text of the constitutional amendment shall appear on the reverse

side of the petition sheet after an introduction which specifies the provision or provisions of the Michigan Constitution which the proposal is designed to alter, eliminate or create. If the proposal would alter or abrogate one or more existing provisions of the Michigan Constitution, the full text of the provision or provisions which would be altered or abrogated by the proposal shall also appear on the reverse side of the petition sheet, preceded by the words: "Provisions of existing constitution altered or abrogated by the proposal if adopted." The signature side of the sheet shall specify the provisions of the existing constitution which would be altered or abrogated by the proposal and reference shall be made to the reverse side of the sheet for the full text of the provisions.

LEGISLATIVE PROPOSAL: The full text of a legislative proposal shall appear at the top of the signature side of the petition sheet after an introduction which specifies the title and the provision or provisions of Michigan law which the proposal is designed to alter, eliminate or create. Art. IV, Sec. 24 of the Michigan Constitution.

If there is not sufficient space at the top of the signature side of the petition sheet to print the legislative proposal, the introduction shall be followed by a brief synopsis of the proposal and reference shall be made to the reverse side of the sheet for the full text of the proposal. The full text of the proposal shall appear on the reverse side of the petition sheet after an introduction which specifies the title and the provision or provisions of Michigan law which the proposal is designed to alter, eliminate or create.

REFERENDUM: The full text of the legislation which would be affected by the referendum shall appear at the top of the signature side of the petition sheet after an introduction which identifies the legislation involved.

If there is not sufficient space at the top of the signature side of the petition sheet to print the legislation which would be affected by the referendum, the introduction shall be followed by a brief synopsis of the legislation involved and reference shall be made to the reverse side of the sheet for the full text of the legislation. The full text of the legislation which would be affected by the referendum shall appear on the reverse side of the petition sheet after an introduction which identifies the legislation involved.

Identification of Petition Type

The following shall be printed in capital letters in 14-point boldface type on the left margin of the signature side of the sheet or at the top of the signature side of the sheet. MCL 168.482(2).

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION**

or

INITIATION OF LEGISLATION

or

**REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

If the reverse side of the petition sheet is used to present the proposal, the appropriate title above shall also be printed in capital letters in 14-point boldface type at the top of the reverse side of the sheet.

Heading of Petition

The petition heading shall appear in 8-point type as specified below. MCL 168.482(4). The heading shall be placed at the top of the signature side of the sheet immediately beneath the presentation of the proposal.

We, the undersigned qualified and registered electors, residents in the county of _____, State of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation).

Warning to Petition Signers

A warning to the signers of the petition shall appear in 12-point boldface type as specified below. MCL 168.482(5). The warning shall be placed immediately above the signature lines.

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.

Entry Spaces for Signers

There shall be presented in 8-point type fifteen (15) lines as shown below for signers to enter their city or township of registration, cursive signature, printed name, street address or rural route, Zip Code and the date of signing. MCL 168.482(6); 168.544c(1)(2).

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	1.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	2.						

Circulator's Statement

The following statement shall appear in 8-point type in the lower left-hand corner of the petition sheet. MCL 168.544c(1).

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 a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

Warning to Circulators

A warning to the circulators of the petition shall appear in 12-point boldface type as specified below. MCL 168.544c(1). The warning shall be placed in the lower left-hand corner of the sheet immediately beneath the circulator's statement.

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.

Space for Circulator's Signature and Address

There shall be presented in 8-point type in the lower right-hand corner of the sheet the certificate shown below for the circulator of the sheet to enter his or her cursive signature, printed signature, street number or rural route, city or township, State, Zip Code, county of registration (if registered to vote) of a non-resident circulator, and date of signing.

The following line shall appear above the certificate in 12-point boldface type:
"CIRCULATOR - Do not sign or date certificate until after circulating petition."
MCL 168.544c(1)-(2).

(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)

Identification of Petition Sponsor

The petition sheet shall contain the name and address of the person, group or organization paying for the printing of the petition form preceded by the words: "Paid for with regulated funds by." MCL 169.247. If a detachable stub or other type of petition sheet extension is used (see below), the identifying statement may be placed on it.

II. APPROVED PETITION DESIGN OPTIONS

Extension for Instructional and/or Promotional Language

The petition may contain an extension for the presentation of instructional and/or promotional language. The extended portion of the sheet must be detached or otherwise removed prior to the filing of the petition. If a detachable stub or other type of petition sheet extension is used, the sponsor of the petition is responsible for the accuracy of the instructional and/or promotional language placed on the extension.

Accommodation of Lengthy Initiatives and Referendums

If the full text of the constitutional amendment, legislative proposal or legislation being subjected to a referendum is too lengthy to be contained on the reverse side of the petition sheet, the language of the petition shall be continued on a fold over extension to the sheet. The fold over extension must not be removed prior to the filing of the petition. With the extension folded down, the petition must measure 8 ½ inches by 14 inches in size.

Clarification of Constitutional Amendment, Legislative Proposal or Referendum of Legislation

If the petition offers a constitutional amendment which involves alterations to existing provisions of the State Constitution, the alterations may be presented by showing any language that would be added to the provision or provisions in capital letters and any language that would be deleted from the provision or provisions struck out with a line.

If the petition offers a legislative proposal or a referendum of legislation which involves alterations to existing provisions of Michigan law, the alterations may be presented by showing any language that would be added to the provision or provisions in capital letters and any language that would be deleted from the provision or provisions struck out with a line.

Modifications in Column Headings Over Signers' Entry Lines

- The words "INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE" may be modified to read, "MARK WHETHER REGISTERED TO VOTE IN CITY OR TOWNSHIP AND WRITE ITS NAME."
- The words, "STREET ADDRESS OR RURAL ROUTE" may be modified to read, "STREET NO. IN CITIES AND TOWNSHIPS HAVING STREET NOS. OTHERWISE R.R. NOS."

Presentation of Circulator's Statement in First Person

The circulator's statement may be presented in first person as follows:

CERTIFICATE OF CIRCULATOR

I, the circulator of this petition, assert that I am 18 years of age or older and a United States citizen; that each signature on the petition was signed in my presence; that I have neither caused nor permitted a person to sign the petition more than once and have no knowledge of a person signing the petition more than once; and that, to my 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, I assert that I am not a resident of Michigan and I agree to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by me and I agree that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on me.

Modifications in Circulator's Entry Lines

- The following line may be added under the circulator's certificate in boldface type:
"Note: You may sign and circulate the same petition."

Reduction in Number of Entry Lines for Signers

The number of lines appearing on the petition sheet for signers to enter their city or township of registration, cursive signature, printed name, street address or rural route, Zip Code and date of signing may be reduced in number. As any reduction in the number of *lines* provided for signers increases the number of *petition sheets* needed to satisfy the signature requirement, the use of at least seven (7) lines is prescribed to assure that the resultant petition sheet increase is not so great as to impede or delay the petition processing procedure.

Type Size and Font

The statutes that govern the form of the petition mandate the use of specific type sizes. The *font* size indicated in some software programs does not always measure the same *type* size. Petition sponsors and printers must exercise caution to ensure that the printed type measures the type size required by law.

Petition sponsors are strongly encouraged to utilize a sans serif font for readability purposes. Examples of such fonts are provided below.

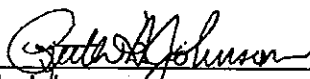
Arial

Microsoft Sans Serif

Tahoma

Verdana





Ruth Johnson
Secretary of State

INSTRUCTIONS: Use this form for the initial filing of a petition with the Board of State Canvassers, or when filing an amended petition with the Board of State Canvassers for approval as to form.

PRINTER'S AFFIDAVIT

I, _____, being duly sworn, depose and say:

1. That I prepared the attached petition proof.
2. That the size of the petition is 8.5 inches by 14 inches.
3. That the heading of the petition is presented in the following form and printed in capital letters in 14-point boldface type:

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

4. That the words, "We, the undersigned qualified and registered electors . . ." are printed in 8-point type.
5. That the two warning statements and language contained therein are printed in 12-point boldface type.
6. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.
7. That the balance of the petition is printed in 8-point type.
8. That the font used in the petition is _____.
9. That to the best of my knowledge and belief, the petition conforms to the petition form standards prescribed by Michigan Election Law and the Secretary of State.

Printer's Signature

Name of Proposal

Notary Public, State of Michigan, County of _____.

Acting in the County of _____ (where required).

My commission expires _____.

Subscribed and sworn to (or affirmed) before me on this ____ day of _____, 20____,

by _____
Name of Affiant

Signature of Notary Public

Printed Name of Notary Public

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.22g Expenses for services performed by office of secretary of state.

Sec. 22g. Notwithstanding any other provision of law to the contrary, if authorized jointly by the board of state canvassers and the secretary of state, all expenses incurred for services performed by the office of the secretary of state for the board of state canvassers shall be charged against funds appropriated to the board of state canvassers and credited to the secretary of state.

History: Add. 1995, Act 261, Eff. Mar. 28, 1996.

Popular name: Election Code

Inside Today's MIRS

◀ Thursday, August 17, 2017 ▶

QUOTE OF THE DAY

- Petition To Revamp Redistricting Approved To Form By Canvassers
- Could Democrats Make History With All Female Ticket?
- Bean: State's Savings Account Won't Buy Much In Recession
- GOP Yanks Conference Media Credentials Of Conservative Radio Host
- Cushingberry Staffer Wants Smith Off, Cush On November Ballot
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- Less Than Half Of 30-Somethings Making More Than Parents
- Drone Drops Drugs Into Prison, Suspects Arrested
- On This Day In Michigan History

"While it is your right as an American and a Republican to criticize whomever you choose, as organizers of this event, we will not condone that behavior nor support it by giving you credentials."

- Sara ANDERSON, Michigan Republican Party Deputy Director, in a letter to Randy "Trucker" BISHOP, a conservative radio host, revoking his media credentials.

PRESS RELEASES

MIRS Capitol Capsule Headlines

Petition To Revamp Redistricting Approved To Form By Canvassers

After 50-plus days of state review, the group pushing for redistricting reform overcame a last-minute issue with its paperwork and had its constitutional amendment petition approved to form by the Board of State Canvassers (BSC) today.

The proposal from Voters Not Politicians (VNP) had finally come before the BSC after 51 days of review by the state's Bureau of Elections, as new state Elections Director Sally WILLIAMS said this proposal was particularly complex.

VNP had submitted a draft of its intended language to the state in late June, and by mid-July, the group had begun questioning the length of the review process.

After getting the Bureau's recommendation to have the BSC approve the petition to form, a new issue came up today: The affidavit from the petition's printer didn't have the actual name of the petition on it.

Each petition submitted to the state must have a signed affidavit from the petition's printer that must verify the petition meets the various legal requirements for the petition format, Williams said, such as font sizes.

Secretary of State spokesperson Fred WOODHAMS said the Bureau started providing the affidavit form after 2012 lawsuits dealing with petition font sizes, so as to avoid future discussions on font sizes and types.

The issue was that VNP didn't use the affidavit as provided by the Secretary of State's website, which included a line to print the petition name. The signed affidavit the group originally supplied had no line to write the petition's name.

But the oversight of the missing name also slipped by Williams and her staff in recommending the

This Thursday, Democrats to Hold Health Care Town Hall in Kalamazoo County

Peters, Stabenow Announce \$60,000 of Support for Perrinton Fire Department

Secretary of State offices to issue optional REAL ID-compliant licenses, ID cards

House task force to visit Oakland County on Aug. 29

House, Senate Dems Take on Excessive Prescription Drug Costs

Michigan Unions Support Democratic Bills Protecting Consumers from Skyrocketing Drug Prices

Thirteen new members selected for NRC Youth Conservation Council

Final week to purchase waterfowl reserved hunt applications

Michigan's Safe Delivery reaches milestone with 200th newborn safely surrendered

Court News Michigan - August 21, 2017

BILL HOUND +

petition to the BSC for approval to form.

While Williams said the absence of the group's name didn't change the Bureau's recommendation, a few Canvassers didn't want to move forward without paperwork that included the petition name, and asked the group to get a new affidavit signed.

Both Republican Canvasser Colleen **PERO** and Democrat Canvasser Julie **MATUZAK** raised the issue of the missing petition name and were in agreement that even though it was a small detail, the group needed to provide the same information that every other petition would present.

Asked if it could become a legal hurdle for VNP later on, Williams said it could be.

At that point, the Canvassers recessed, allowing the group to track down its printer and a notary to resubmit an affidavit with the appropriate information.

When the Canvassers reconvened and approved the petition to form, the crowd of VNP supporters who attended the Lansing Center meeting broke out into applause.

VNP president Katie **FAHEY** said the group plans to begin petitioning immediately to garner the 315,654 signatures in six months.

Fahey said the group doesn't have the money to pay for signatures, but she has 4,000 people signed up to collect signatures, so she said the group is "confident" they can do it without paid gatherers. She acknowledged the group would need to kick up its efforts in the next few months before the colder weather sets in.

The group's proposal sets up a 13-member independent commission tasked with redrawing legislative and congressional lines. The proposal also contains the process for how to go about selecting members of the commission and who is and is not eligible (See "13-Member Independent Commission Draws Lines Under Proposal," 7/19/17).

GOP consultant Jamie **ROE** was in the audience during the deliberations, ready to pounce on the VNP petition. He argued the backers are selling themselves as independents, but, "this is a bunch of Democrats who can't win elections so they are trying to rig the system."

He also declared the proposal unconstitutional and he takes the strongest exception to the provision that would bar family members who have partisan relatives from serving on the newly created commission under this plan.

"Why should my mother and father be excluded because I worked for a congressperson?" Roe asked, while suggesting nowhere in the constitution is such a prohibition allowed.

Fahey contended Republicans have gerrymandered the system, considering that "there are fourteen congressional districts so you would expect there would be a seven-seven split. But it was 9-5 for the Republicans even though the people voted 50-50."

Fahey acknowledged today the proposal is complex, touching all three branches of government. Williams said much of the same, who opened her remarks on the VNP proposal at the meeting with a defense of the Bureau's process on reviewing the language.

Leaders for VNP had been questioning the Bureau's timeliness in July, going so far as to say they were told they were put on the back burner (See "Redistricting Group: State Put Our Petition On 'Back Burner,'" 7/17/17)

Williams said the Bureau had reviewed six different drafts of the VNP petition, and that this

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STATEWIDE HEADLINES

Communities across Michigan deciding on opting in or out of medical marijuana business

Exploring Michigan's Wetland Wonders

On social media, not all speech is free

Kasich urges Trump to end staff chaos, settle it down

Cash-strapped states eye self-driving car taxes

Students back in class today in 5 Kent ISD districts

New R&D center unites the art and science of baking for \$2B Michigan company

Threats lead to cancellation of pro-Trump event at Saginaw-area pizzeria

Total solar eclipse cloud forecast quite certain now

How President Trump derails his own message, over and over again

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Senate Journal Summaries



constitutional amendment was the most complex the Bureau has tackled in recent memory. Williams said the final proposal would alter 11 provisions of the constitution.

"For anyone who has been left with the impression there have been unnecessary or deliberate delays in this review process, I can assure you this has not been the case," Williams said.

Williams told *MIRS* she felt it was important to say that because, "there's been a lot stated, written about this effort and the amount of time that it has taken us to complete our review . . . I just wanted to go on record about . . . what we have done and the complexity of what we've gone through."

Third Time A Charm For Paid Sick Leave?

The BSC also approved to form a petition allowing employees to earn paid sick leave, which Bureau staff said was similar to two previous proposals that have come before the BSC.

Danielle ATKINSON, leader of the MI Time to Care group, when asked what the group planned to do to get the proposal across the finish line this time, said there's more support and more recognition of paid sick leave thanks to previous efforts.

"We are really excited about being able to work on an issue that's so popular and so needed right now," she said.

Atkinson did not provide details about the group's finances or if it would be paying for signatures, saying there would be more information about the campaign launch at a later date. She did say they wouldn't be there if they didn't think they had the means to conduct the campaign.

The BSC also approved to form a constitutional amendment petition from Abrogate Prohibition Michigan, which would legalize the agricultural, personal, recreational, commercial or other use of marijuana. No one on behalf of the group got up to speak at the meeting today.

But Jeff HANK of the MILEgalize, which is currently assisting with the Coalition to Regulate Marijuana Like Alcohol and its efforts to legalize recreational marijuana, does not foresee any voter confusion over the two plans.

He said the Abrogate Prohibition petition "would repeal and negate all of the cannabis laws entirely" including the most recent one creating a medical marijuana regulatory commission.

He said the last time this competing group did a drive they gathered only about 10,000 signatures, so he is not seriously concerned with that effort.

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Could Democrats Make History With All Female Ticket?

The Michigan Democratic Party (MDP) has strong female candidates vying for all of the slots at the top of the 2018 ticket, a dynamic cemented by Dana NESSEL's recently declared Attorney General bid (See "Nessel, Announcing For AG, Positions Herself As Schuette Foil," 08/15/2017). "It's kind of cool, actually," said Kelly ROSSMAN-MCKINNEY, chief executive officer of the Truscott Rossman public relations firm. "It's unusual, but hopefully not for long" she added, noting women have held every office that comprises the "top of the ticket", Governor, Lt. Governor, Secretary of State, Attorney General and U.S. Senate. There just has never been an all female slate, yet.

[show more](#)

Thursday, August 17, 2017

Canvassers OK Form On Redistricting Petition, Two Others

Dozens of supporters cheered and applauded Thursday when the Board of State Canvassers unanimously approved their petition to completely change the state's reapportionment system to minimize the chance of political bias in drawing district lines.

Those supporters had to wait awhile to celebrate, however, as the board raised concerns about an irregularity in the printer's affidavit attached to the petition. Attorneys for the organization Voters Not Politicians were able to get a copy of a new affidavit, with the problem that the original affidavit did not specify the title of the petition prepared, fixed and into the hands of the board shortly before noon. The board then approved the petition after receiving the copy of the new affidavit.

The redistricting petition was one of three the canvassers approved as to form on Thursday. Getting approval of form is not required to distribute a petition for signatures, but it helps reduce the chance that a petition may be rejected for failing to meet legal requirements.

Also approved on Thursday was a proposal to amend the Constitution to make marijuana legal and exempt it from all regulation and taxation. It would also make its provisions "retroactive," though it is not clear what that meant.

The board also approved the petition form for a proposal to allow workers to earn and use paid sick time.

But it was the redistricting proposal that drew the most attention. The board moved their meeting from its typical room in the Capitol to the Lansing Center to accommodate the larger crowd.

Sally Williams, the state's election director, said the proposed change to the reapportionment system was "the most complex presented to us in recent history." It would alter or abrogate 11 sections of the Constitution and affect all three branches of government.

That meant the state's Elections Bureau had to work continuously with officials of Voters Not Politicians and its lawyers to clarify all the provisions. The whole process took some six weeks and

while some in the group thought the state was deliberately holding the petition up, Ms. Williams said they needed to conduct the review carefully.

In all there were six drafts of the petition, including one issued this week, and the final version refers to sections of the Constitution being altered and not abrogated.

The bureau recommended the petition be approved.

Speaking on behalf of the petition Nancy Wang said she knew it would be impossible to remove all partisanship from redistricting, but the petition would help minimize it as much as possible by creating a citizens commission to draw district lines. If the petition makes the 2018 ballot and the voters approve it, Michigan would be the sixth state - after California, Arizona, Washington, Alaska and Florida - to have a citizen's commission draw redistricting lines. Iowa's nonpartisan Legislative Service Bureau handles reapportionment in that state.

Former Ingham Circuit Judge Peter Houk said it is clear many people in the nation feel they are losing their rights in terms of governance, but the proposal would help make the redistricting system more transparent because the commission would have to hold 10 public hearings across the state before the process of drawing lines begins and then hold five hearings once a proposed plan is prepared.

But while all seemed ready to approve the petition's form, canvassers Julie Matuzak and Colleen Pero raised concerns that the required printer's affidavit did not match other affidavits in that it did not contain the name of the petition the printer had prepared.

Attorneys for the organization assured the board the printer had prepared the affidavit. Ms. Williams said not noticing the issue with the affidavit was an oversight on the bureau's part.

Jim Lancaster, chief attorney for Voters Not Politicians, asked if the petition could be approved provisionally while a new affidavit was prepared and brought to the state by Friday morning.

But the canvassers were clearly uncomfortable with leaving the issue in limbo. The meeting was recessed while the printer, which is located in the Detroit area, got a new affidavit together meeting all the state requirements, and emailing that back to the state.

Once the canvassers approved the petition, an audience member said, "Well, that was worth the wait."

Katie Fahey, chair of Voters Not Politicians, said petition signature collection would start immediately - to more cheers Ms. Fahey became the first signatory of a petition - and said the campaign hopes to gather the more than 315,000 signatures from registered voters needed through volunteers.

There are some 4,000 volunteers ready across the state to collect signatures, she said, and if each got just two signatures a day the campaign would have more than 500,000 signatures collected before the end of the required 180-day collection period.

She also rejected charges that the campaign was an effort to rig the state's electoral system. The public has wanted to see change for some time, she said, and the Legislature has failed to put a proposal on the ballot.

But Tony Daunt of the conservative Michigan Freedom Fund sent out an email saying that the proposal would "take power away from voters to centralize it among a pack of handpicked liberal elites."

MARIJUANA: Voters who already have a chance to sign a petition to legalize the use of marijuana would get the option to sign a constitutional amendment to enact a more dramatic legalization of cannabis following the approval of a petition from a Midland-based group, Abrogate Prohibition Michigan.

The proposal would legalize the agricultural, personal, recreational, medicinal, commercial and industrial use of cannabis. It would also bar any prohibitions on its use.

It also would prohibit any excise taxes, fees or regulations on its use.

It would also be a retroactive amendment, which raised questions as to what that meant. Ms. Pero asked if that would mean anybody now in jail for marijuana would have to be released and fines paid be reimbursed.

Ms. Williams said initially the amendment called for amnesty and cleansing any criminal records of anyone who had been convicted of marijuana related crimes. But the committee withdrew those provisions.

If the proposal passed it would be far more extensive than the proposal now collecting signatures to create an initiated act to regulate marijuana similarly to alcohol.

SICK TIME: For the third consecutive year, the canvassers approved the form of a petition for an initiated act that would allow workers to earn and use sick time.

The previous petition efforts failed to get enough signatures to put the issue on the ballot or have the Legislature enact it.



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

RECEIVED

SEP 25 2017

CIVIL LITIGATION, EMPLOYMENT
& ELECTIONS DIVISION

September 21, 2017

Margaret Nelson, Assistant Attorney General
Complex Litigation Manager
Executive Division
Department of Attorney General
P.O. Box 30212
Lansing, Michigan 48909

Re: August 24, 2017 Robert LaBrant Campaign Finance Complaint

Dear Ms. Nelson:

The Secretary of State and Bureau of Elections acknowledge receipt of your letter dated August 30, 2017 in reference to the above-captioned matter. In view of the fact that the complaint filed by Robert LaBrant does not contain evidence of alleged wrongdoing by Secretary of State Ruth Johnson and Secretary Johnson was not personally involved in any of the actions that spurred him to complain, this letter serves as the sole response from the Department of State (Department).

Mr. LaBrant alleges that the Bureau of Elections (Bureau) and I, as Director of Elections and Secretary to the Board of State Canvassers (Board), violated section 57 of the Michigan Campaign Finance Act, MCL 169.257. His complaint is based on the long standing practice for the voluntary "approval as to form" staff consultation process that occurred prior to the August 17, 2017 Board meeting, at which I recommended the approval of the form of the constitutional amendment petition filed by Voters Not Politicians (VNP), a ballot question committee. Mr. LaBrant's allegations have no legal or factual basis and demonstrate a fundamental misunderstanding of the Bureau's longstanding practice of reviewing statewide petitions for compliance with the technical formatting requirements of the Michigan Constitution and Michigan Election Law, MCL 168.1 *et seq.*

Under MCL 169.257(1), public bodies or individuals acting on their behalf are barred from using public resources, including personnel, computer hardware or software, or similar assets to make a "contribution" or "expenditure" as defined in the Michigan Campaign Finance Act (MCFA), MCL 169.201 *et seq.* Notably, MCL 169.257 includes a number of exceptions that allow public bodies, their employees, and elected or appointed public officials to carry out their **official government duties** - even when those duties intersect with certain election-related activities (i.e., making petition forms available to candidates, furnishing voter registration lists that assist campaigns with voter contact, providing access to daily absent voter activity reports, and so on). These exceptions demonstrate the legislature's sensitivity to the fact that public bodies and individuals acting on their behalf must be able to do their jobs without running afoul of the MCFA.

Since at least the 1970s, the Bureau has made its staff available to statewide proposal sponsors for consultations regarding numerous legal formatting requirements that apply to each petition type; this optional "approval as to form" process is detailed in the Initiative and Referendum Petitions publication (Publication) referenced in the

complaint. The Publication explains the purpose behind this process: "While Michigan election law does not require the pre-approval of the petition form, such approval greatly reduces the risk that signatures collected on the form will be ruled invalid due to formatting defects."¹

For nearly fifty years,² the Bureau has engaged in these consultations with countless petition sponsors without drawing a single Campaign Finance Act complaint - until now. Although the complaint presents a novel legal theory which, if adopted, would omit from Board and Bureau consideration an important aspect of the technical form of a petition to amend the Constitution, it is important to understand that the process used to evaluate VNP's technical compliance was **exactly** the same process that has been used and widely accepted for almost five decades.

As a proposal to amend the Michigan Constitution, the VNP petition must strictly comply with MI Const. Art. XII Sec. 2 and MCL 168.482. Mr. LaBrant erroneously alleges that the Bureau is not authorized (or exceeded its authority) to consult with petition sponsors regarding the provisions of the existing constitution that would be "altered or abrogated" by the proposal if it were to be adopted by the voters. Yet a review of the plain language of applicable laws demonstrates that the republication requirement is one element of the **technical** form of the petition and the proper subject of Board consideration and staff consultation.³

Under MCL 168.482(3),

If the proposal would alter or abrogate an existing provision of the constitution, **the petition shall so state** and the provisions to be altered or abrogated **shall be inserted**, preceded by the words:

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

This "republication requirement" is obligatory; a petition that only substantially complies with MCL 168.482 is fatally flawed.⁴ Courts have held that the failure to republish a provision that would be altered or abrogated by a proposed constitutional amendment renders the proposal ineligible for placement on the ballot,⁵ and the **Board has a duty to reject a constitutional amendment petition if it fails to comply with the republication requirement.**⁶

The statutory republication requirement derives from MI Const. Art. XII Sec. 2, which provides,

Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. Such proposed amendment, existing provisions of the constitution which

¹ See Publication, p. 2.

² The approval as to form process pre-dates the enactment of MCL 169.257 by decades. See 1995 PA 264. Indeed, the Bureau's practice of offering staff-level consultations was well established by the time that MCL 169.257 was debated and adopted by the legislature. Had the legislature perceived this technical review process to be an illegal contribution or expenditure of public resources, it could have explicitly barred the practice then (or in any of the 22 years that have elapsed since the original statute was enacted).

³ The Bureau acknowledges that it would be improper for its staff to provide advice or direction regarding the substantive content of a proposal. In the context of the VNP petition, this would include such subjects as the standards or methods to be used in establishing district boundaries, the process for selecting members of the Independent Citizens Redistricting Commission, and so on.

⁴ *Stand Up for Democracy v Board of State Canvassers*, 492 Mich 588 (2012).

⁵ *Protect Our Jobs v Board of State Canvassers*, 492 Mich 763 (2012).

⁶ *MI Campaign for New Drug Policies v Board of State Canvassers*, MI Court of Appeals Dkt No 243506 (2002).

would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

The legislature implemented this voter notice requirement by enacting MCL 168.480 (directing the Secretary of State to make arrangements to post the full text of each statewide proposal in every precinct in this state) and MCL 168.482 (requiring that the petition form notify voters at the time of circulation that the identified constitutional provisions would be altered or abrogated by the proposal if adopted). In other words, the legal mandate to republish rests with **both** the petition sponsor and Secretary of State, and compliance with the republication requirement is both a prerequisite to ballot eligibility and an independent legal obligation of the Secretary of State.

To the extent that Mr. LaBrant claims that I and Bureau staff must abstain from assessing whether a petition proposing constitutional amendment complies with this requirement (and refrain from advising the Board accordingly), he fails to recognize that republication is a question of form that is separate and distinct from the body or substance of a proposal. Notably, the republication of "Provisions of existing constitution altered or abrogated by the proposal if adopted[,]" appears beneath its own heading following the full text of the proposal, and the republished provisions are not re-enacted as part of the text of the Constitution upon adoption of the proposal by voters. Quite simply, the republished provisions are part of the technical form of the petition, not the text or body of the proposal itself.

While the Board and Bureau are authorized to consider a petition's compliance with the republication requirement in the context of approving a petition as to form, the VNP proposal presented unique challenges in its scope and complexity. It proposed to amend eleven different sections and three separate Articles of the Michigan Constitution, impacting all three branches of government. To complicate matters further, the sponsor submitted six different versions of the VNP proposal, each of which required thorough review by staff. My staff and I questioned VNP on its legal rationale for republishing certain provisions as "abrogated," so as to understand why VNP believed its proposal would abrogate the republished sections of the Constitution.⁷ We learned that the Bureau and VNP had a fundamental difference of opinion regarding the legal interpretation of "abrogated" and in the end, the Bureau and VNP were unable to reach a common understanding of the meaning of that term.⁸

Subsequently, VNP decided **on its own** to change its petition form. The final version of the VNP petition (filed August 14, 2017) "altered" (amended) those sections of the Constitution that VNP previously claimed were "abrogated." The proponents of the VNP petition devised this apparent strategy on their own; **at no time** did I or Bureau staff demand or insist that VNP modify its petition to include or exclude specific provisions as "altered or abrogated" by the proposal. Nor did we suggest that VNP "alter" specific provisions of the Constitution in lieu of republishing those provisions as "abrogated."

Nonetheless, Mr. LaBrant erroneously alleges that "[t]he Bureau's staff has worked with [VNP] to craft and edit language used in the text of the proposal and helped to identify where the Constitution has been altered or abrogated in their proposal." His statement is factually inaccurate and unsupported by evidence.

⁷ These discussions are described in the transcript of the August 17, 2017 meeting of the Board of State Canvassers, which were provided to you on August 30, 2017 pursuant to your request. See Transcript pp. 7-8.

⁸ During the staff review process, Bureau staff and I conferred with representatives of the Department of Attorney General, who act as both the Bureau's legal counsel and counsel to the Board. The Department of Attorney General, as our legal counsel, did not at any point during the staff review process indicate that any aspect of the review deviated from acceptable standard practices for the optional "approval as to form" process.

While Mr. LaBrant's written statement briefly refers to the six petition drafts, he did not provide any evidence to support his claim that Bureau staff actually drafted or edited the text of the VNP proposal. Additionally, Mr. LaBrant did not attempt to procure copies of the initial drafts of the petition from the Bureau until he submitted a Freedom of Information Act (FOIA) request on September 6, 2017, nearly two weeks after he filed his complaint. Had Mr. LaBrant requested copies of these records prior to the filing of his complaint, he likely would have concluded independently that VNP was never advised by me or Bureau staff to alter specific constitutional provisions to comply with the republication requirement of MCL 168.482.

Not only is the complainant unable to produce evidence of wrongdoing, but the evidence he did provide actually supports the Bureau's position. Specifically, the Publication states the following:

- "Please note that while staff consultations include a thorough review of whether the petition complies with the **technical formatting** requirements described below, the following features are *not* subject to staff review and are solely the responsibility of the petition sponsor: type size, the substance of the proposal which appears on the signature side of the petition, and the manner in which the proposal language is affixed to the petition." See p. 1.
- "The Board's approval process does *not* include a review of the language or summary of the proposed initiative or referendum, or the manner in which the proposal language is affixed to the petition." See p. 2.
- "If the proposal would alter or abrogate one or more existing provisions of the State Constitution, the full text of the provision or provisions which would be altered or abrogated by the proposal shall appear beneath the proposal, preceded by the words: 'Provisions of existing constitution altered or abrogated by the proposal if adopted.'" See p. 6.

Notably absent from the Publication is any instruction that indicates that the **optional** review undertaken by Bureau staff omits any consideration of the petition's compliance with the republication requirement.

The burden of proving that there may be reason to believe that a violation of MCL 169.257 occurred rests exclusively with Mr. LaBrant, but in an effort to bring this matter to a prompt conclusion, I have provided copies of these drafts as enclosures with this letter. Of note, VNP's original draft (filed June 28, 2017) republished a total of nine constitutional provisions, four of which were "altered" (amended) and five of which were "abrogated." Subsequent versions:

- Made adjustments to the text of the proposal that were **not** requested by me or Bureau staff (Examples: Drafts 2 and 3, dated July 14 and 23, 2017, respectively, which changed a deadline, adjusted the qualifications of commissioners, and republished a new constitutional provision that was not suggested by me or Bureau staff);
- Corrected **conspicuous typographical errors identified by Bureau staff** (Example: Draft 4, dated July 27, 2017, which added a citation, corrected one misspelled word and republished Art. V Sec. 2 with the proposed amendatory language in full); and
- Fixed an **error identified by VNP** (Example: Draft 5, dated August 10, 2017, which fixed a reference to an incorrect section number).

The applicable legal standard for determining whether there may be reason to believe that a violation of MCL 169.57 occurred is whether the Bureau has made a "contribution" or "expenditure" of public resources. None of the nominal modifications to Draft 4 of the VNP petition form - the **only** draft/revision requested by the Bureau -

amount to an illegal contribution or expenditure. Rather, the feedback given by Bureau staff was, at the very most, incidental to the possible future qualification of the VNP proposal. In an Interpretive Statement issued to the complainant, Mr. LaBrant, on December 15, 2009, the Department explained that it applies,

an objective test to determine whether a contribution or expenditure has been made with respect to a ballot question, 'whether the payment directly influences or attempts to influence the qualification of a ballot question on an election regarding that question[,] and the corollary that no expenditure occurs if its impact is incidental to the qualification, passage, or defeat of the ballot question.

Bureau staff did not confer with VNP for the purpose of directly influencing, attempting to influence, assisting or attempting to assist VNP in qualifying for the ballot; the ultimate purpose of these staff consultations (which, again, are part of an optional service offered to petition sponsors) was to advise the Board to the best of our ability whether the VNP petition complied with the technical formatting requirements of the law.

In closing, I am mindful that the people reserved the right to amend their Constitution through the popular initiative process. Almost a half century ago, the Board and Bureau implemented a voluntary pre-circulation approval process that enables petition sponsors to avail themselves of the expertise of Bureau staff who are experienced in this area of law. Pre-approval is not a requirement to qualify a ballot question. These consultations are offered without regard to the sponsor's partisan persuasion or the merits of the substance of any initiative or referendum proposal. Bureau staff should be encouraged to detect and work with sponsors to rectify obvious technical deficiencies in the formatting of an initiative or referendum petition. To conclude otherwise would constitute an enormous disservice to petition sponsors, the voters who sign their petitions, and the volunteers and staff who circulate the petitions. I emphatically deny that Secretary Johnson, myself, or the Bureau committed any violation of the Campaign Finance Act, and there is no actual evidence offered in this complaint to the contrary. The Department simply adhered to the long-established and heretofore undisputed procedure of the Board and Bureau. I respectfully ask that you promptly dismiss Mr. LaBrant's complaint as lacking any support in law or fact.

Sincerely,



Sally Williams
Director of Elections

c: Secretary of State Ruth Johnson

Enclosures

Malerman, Melissa (MDOS)

From: James Lancaster <lancaster-law@comcast.net>
Sent: Wednesday, June 28, 2017 11:40 AM
To: Malerman, Melissa (MDOS)
Cc: Bourbonais, Lori (MDOS); Thomas, Christopher (MDOS); Williams, Sally (MDOS)
Subject: RE: Voters Not Politicians Ballot Committee
Attachments: VOTERS NOT POLITICIANS PETITION SIGNATURE PAGE.pdf

Attached please our revised signature page.

We have finalized the language for our proposal. I am proofreading it one more time and will have it to you this afternoon. The proposal will be approximately 7 pages long (on a 8.5 x 14 page). I may not have a full mock up today. Since it is my understanding that you will be reviewing our proposal for abrogation issues, I was planning on sending it to you in an 8.5 x 11 format for your convenience in printing and reading it. It will be in one of the SOS recommended fonts (Arial) and in the appropriate type sizes. Is this acceptable to you for your review?

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

On June 14, 2017 at 3:40 PM "Malerman, Melissa (MDOS)" <malermanm@michigan.gov> wrote:

I've got a few comments on your draft signature page –

- Please add the following to the heading: "FOR THE FULL TEXT OF THE PROPOSED AMENDMENT AND PROVISIONS OF THE EXISTING CONSTITUTION THAT ARE ALTERED OR ABROGATED BY THE PROPOSAL IF ADOPTED, SEE THE REVERSE SIDE OF THIS PETITION."
- You may wish to include the date of the election, but you are not required to (Nov. 6, 2018).
- The out-of-state circulator check box must be more prominent – please bold and make larger.

We've had some preliminary discussions regarding the bar code – I wanted to make sure that you understand that the Board has never been presented with a petition that contains a bar code. I

anticipate questions regarding what data is tied to the bar code (both at the time of printing and after scanning it into Alan's system), who will have access to the data, can the bar code be smaller, can you use a QR code instead, etc. It would be helpful to have additional discussions on this if you intend to proceed, as it will help us decide whether we, as staff, will recommend approval as to form of a petition that includes a bar code. We are cognizant that some voters may be reluctant to sign or might question your circulators re: voter privacy. Given the scrutiny that this petition is likely to invite, we encourage you to carefully consider whether you still want to use a bar code.

When you're ready, we do need to see the full text of the proposal and summary – we need to ensure that the summary is accurate. We will also consider whether the petition includes all of the provisions of the existing constitution that are altered or abrogated, but the primary responsibility for this task falls to the sponsor.

Looking forward to your next submission!

Thanks,

Melissa

From: James Lancaster [<mailto:lancaster-law@comcast.net>]
Sent: Monday, June 12, 2017 7:39 PM
To: Malerman, Melissa (MDOS); Bourbonais, Lori (MDOS); Pierce, Carol (MDOS)
Cc: Alan Fox; emangino@mac.com; pkleemann@inlandpress.com; Nancy Wang; Jamie Lyons-Eddy; Katie Fahey
Subject: Voters Not Politicians Ballot Committee

Melissa:

Following up on your voicemail message to me, attached is a pdf of the signature page for our petition. You had requested that I forward this as soon as it is available to expedite your office's review of our petition.

There are still a few unsettled issues on this page of the petition; but I don't believe any of them are issues you review:

1. The address in the committee identification at the bottom is not filled in because we are considering a change of address.
2. The bar code is probably going to be small than is shown. Our consultants have not yet determined what technology is going to be used; however, it will be in that location. When we met with Ms. Bourbonais et. at. last week it was our understanding that your office had no objection to the barcode or its location.

3. We have not yet settled on the introduction language at the top of the petition, below the heading. My understanding is that you do not review this language, so I assume this is not a problem.

If you or anyone else on your team has any questions, please do not hesitate to contact me.

Jim.

James R. Lancaster
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INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

A proposal to amend the Michigan Constitution to create an Independent Citizens Redistricting Commission. If adopted, this amendment would transfer the authority to draw Congressional and State Legislative district lines from the Legislature and Governor to the Independent Commission. The selection process will be administered by the Secretary of State. Thirteen commissioners will be randomly selected from a pool of registered voters, and consist of four members who self-identify with each of the two major political parties, and five non-affiliated, independent members. Current and former partisan elected officials, lobbyists, party officers and their employees are not eligible to serve. The proposal is to be voted on in the November 6, 2018 General Election.

FOR THE FULL TEXT OF THE PROPOSED AMENDMENT AND PROVISIONS OF THE EXISTING CONSTITUTION THAT ARE ALTERED OR ABROGATED BY THE PROPOSAL IF ADOPTED, SEE THE REVERSE SIDE AND ATTACHED PAGES OF THIS PETITION.

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.

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	1.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	2.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	3.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	4.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	5.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	6.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	7.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	8.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	9.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	10.						

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 a 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.

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)

Malerman, Melissa (MDOS)

From: James Lancaster <lancaster-law@comcast.net>
Sent: Wednesday, June 28, 2017 4:22 PM
To: Malerman, Melissa (MDOS)
Cc: Williams, Sally (MDOS); Bourbonais, Lori (MDOS); Thomas, Christopher (MDOS); Pierce, Carol (MDOS)
Subject: Voters Not Politicians Ballot Committee: Proposed Ballot Language
Attachments: FINAL PROPOSAL LANGUAGE TO SUBMIT FOR INFORMAL REVIEW.docx

Following up on my email from this morning, attached the language for our proposed constitutional amendment.

I am in the process of preparing a mock up of how this will look when printed on 17" x 28" paper, and folded down to 8.5" x 11".

We have not yet sent this to the printer, since there may be changes based on your comments. So our mock up will consist of the 8 panels taped together and folded, so it looks like what the printed pages will look like. No super fancy, but I hope it gets the job done for your needs. I will drop 4 copies off at your office first thing tomorrow morning.

We welcome your comments at your earliest convenience.

Jim.

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

On June 28, 2017 at 11:39 AM James Lancaster <lancaster-law@comcast.net> wrote:

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Cc: Alan Fox; emangino@mac.com; pkleemann@inlandpress.com; Nancy Wang; Jamie Lyons-Eddy; Katie Fahey
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If you or anyone else on your team has any questions, please do not hesitate to contact me.

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

The proposal, if adopted, would amend Article IV, Sections 2, 3 and 6, as follows (new language capitalized, deleted language struck out with a line):

Article IV – Legislative Branch

§ 2 Senators, number, term

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

~~In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one one hundredth of one percent.~~

~~In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:~~

~~(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.~~

~~(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.~~

~~(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.~~

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. ~~The districts shall consist of compact and convenient territory contiguous by land.~~

~~Each county which has a population of not less than seven tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.~~

~~After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.~~

~~Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:~~

~~(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.~~

~~(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.~~

~~Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.~~

§ 6 INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS. ~~Commission on legislative apportionment.~~

Sec. 6.

(1) AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS (HEREINAFTER, THE "COMMISSION") IS HEREBY ESTABLISHED AS A PERMANENT COMMISSION IN THE LEGISLATIVE BRANCH. THE COMMISSION SHALL CONSIST OF 13 COMMISSIONERS. THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS. EACH COMMISSIONER SHALL:

(A) BE REGISTERED AND ELIGIBLE TO VOTE IN THE STATE OF MICHIGAN;

(B) NOT CURRENTLY BE OR IN THE PAST 6 YEARS HAVE BEEN ANY OF THE FOLLOWING:

(I) A CANDIDATE FOR PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(II) AN ELECTED OFFICIAL TO PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(III) AN OFFICER OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(IV) A PRECINCT DELEGATE OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(V) A MEMBER OF THE LEADERSHIP BODY OF ANY NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(VI) A CONSULTANT OR EMPLOYEE OF A FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL OR POLITICAL CANDIDATE, OF A FEDERAL, STATE, OR LOCAL POLITICAL CANDIDATE'S CAMPAIGN, OR OF A POLITICAL ACTION COMMITTEE OR LIKE ORGANIZATION;

(VII) AN EMPLOYEE OF THE LEGISLATURE OR STATEWIDE ELECTED OFFICIAL;

(VIII) A REGISTERED LOBBYIST OR AN EMPLOYEE OF A REGISTERED LOBBYIST; OR

(IX) AN UNCLASSIFIED EMPLOYEE OF THE STATE OF MICHIGAN;

(C) NOT BE RELATED TO ANY INDIVIDUAL DISQUALIFIED UNDER PART (1)(B) OF THIS SECTION BY TWO OR FEWER DEGREES OF CONSANGUINITY OR BY THREE OR FEWER DEGREES OF AFFINITY; OR

(D) NOT BE OTHERWISE DISQUALIFIED FOR APPOINTED OR ELECTED OFFICE BY THIS CONSTITUTION OR CONVICTED OF A FELONY WITHIN THE PAST TEN YEARS.

(E) FOR FIVE YEARS AFTER THE DATE OF APPOINTMENT, A COMMISSIONER IS INELIGIBLE TO HOLD A PARTISAN ELECTIVE OFFICE AT THE STATE, COUNTY, CITY, VILLAGE, OR TOWNSHIP LEVEL IN MICHIGAN.

(2) COMMISSIONERS SHALL BE SELECTED THROUGH THE FOLLOWING PROCESS:

(A) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

(I) MAKE APPLICATIONS FOR COMMISSIONER AVAILABLE TO THE GENERAL PUBLIC NOT LATER THAN JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS. THE SECRETARY OF STATE SHALL CIRCULATE THE APPLICATIONS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION FROM DIFFERENT REGIONS OF THE STATE. THE SECRETARY OF STATE SHALL ALSO MAIL APPLICATIONS FOR COMMISSIONER TO TEN THOUSAND MICHIGAN REGISTERED VOTERS, SELECTED AT RANDOM, BY JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(II) REQUIRE APPLICANTS TO PROVIDE A COMPLETED APPLICATION, HIS OR HER RESUME AND CONTACT INFORMATION FOR AT LEAST TWO SUPPORTING REFERENCES.

(III) REQUIRE APPLICANTS TO ATTEST THAT:

(A) THEY MEET THE QUALIFICATIONS SET FORTH IN THIS SECTION; AND

(B) (1) EITHER THAT THEY AFFILIATE WITH ONE OF THE TWO POLITICAL PARTIES WITH THE LARGEST REPRESENTATION IN THE LEGISLATURE (HEREINAFTER, "MAJOR PARTIES"),

AND IF SO, IDENTIFY THE PARTY WITH WHICH THEY AFFILIATE; OR (2) THAT THEY DO NOT AFFILIATE WITH EITHER OF THE MAJOR PARTIES.

(B) SUBJECT TO PART (2)(C) OF THIS SECTION, THE SECRETARY OF STATE SHALL MAIL ADDITIONAL APPLICATIONS FOR COMMISSIONER TO MICHIGAN REGISTERED VOTERS SELECTED AT RANDOM UNTIL 30 QUALIFYING APPLICANTS THAT AFFILIATE WITH ONE OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, 30 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY AFFILIATE WITH THE OTHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, AND 40 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY DO NOT AFFILIATE WITH EITHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, EACH IN RESPONSE TO THE MAILINGS.

(C) THE SECRETARY OF STATE SHALL ACCEPT APPLICATIONS FOR COMMISSIONER UNTIL JULY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(D) BY JULY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, FROM ALL OF THE APPLICATIONS SUBMITTED, THE SECRETARY OF STATE SHALL:

(I) ELIMINATE INCOMPLETE APPLICATIONS AND APPLICANTS WHO DO NOT MEET THE QUALIFICATIONS IN PARTS (1)(A) THROUGH (1)(D) OF THIS SECTION;

(II) RANDOMLY SELECT 60 APPLICANTS FROM EACH POOL OF AFFILIATING APPLICANTS AND 80 APPLICANTS FROM THE POOL OF NON-AFFILIATING APPLICANTS. 50% OF EACH POOL SHALL BE POPULATED FROM THE QUALIFYING APPLICANTS TO SUCH POOL WHO RETURNED AN APPLICATION MAILED PURSUANT TO PART 2(A) OR 2(B) OF THIS SECTION, PROVIDED, THAT IF FEWER THAN 30 QUALIFYING APPLICANTS AFFILIATED WITH A MAJOR PARTY OR FEWER THAN 40 QUALIFYING NON-AFFILIATING APPLICANTS HAVE APPLIED TO SERVE ON THE COMMISSION IN RESPONSE TO THE RANDOM MAILING, THE BALANCE OF THE POOL SHALL BE POPULATED FROM THE BALANCE OF QUALIFYING APPLICANTS TO THAT POOL. THE RANDOM SELECTION PROCESS USED BY THE SECRETARY OF STATE TO FILL THE SELECTION POOLS SHALL USE ACCEPTED STATISTICAL WEIGHTING METHODS TO ENSURE THAT THE POOLS, AS CLOSELY AS POSSIBLE, MIRROR THE GEOGRAPHIC AND DEMOGRAPHIC MAKEUP OF THE STATE; AND

(III) SUBMIT THE RANDOMLY-SELECTED APPLICATIONS TO THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(E) BY AUGUST 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE MAJORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY EACH STRIKE FIVE APPLICANTS FROM ANY POOL OR POOLS, UP TO A MAXIMUM OF 20 TOTAL STRIKES BY THE FOUR LEGISLATIVE LEADERS.

(F) BY SEPTEMBER 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE SECRETARY OF STATE SHALL RANDOMLY DRAW THE NAMES OF FOUR COMMISSIONERS FROM EACH OF THE TWO POOLS OF REMAINING APPLICANTS AFFILIATING WITH A MAJOR PARTY, AND FIVE COMMISSIONERS FROM THE POOL OF REMAINING NON-AFFILIATING APPLICANTS.

(3) EXCEPT AS PROVIDED BELOW, COMMISSIONERS SHALL HOLD OFFICE FOR THE TERM SET FORTH IN PART (18) OF THIS SECTION. IF A COMMISSIONER'S SEAT BECOMES VACANT FOR ANY REASON, THE SECRETARY OF STATE SHALL FILL THE VACANCY BY RANDOMLY DRAWING A NAME FROM THE REMAINING QUALIFYING APPLICANTS IN THE SELECTION POOL FROM WHICH THE ORIGINAL COMMISSIONER WAS SELECTED. A COMMISSIONER'S OFFICE SHALL BECOME VACANT UPON THE OCCURRENCE OF ANY OF THE FOLLOWING:

(A) DEATH OR MENTAL INCAPACITY OF THE COMMISSIONER;

(B) THE SECRETARY OF STATE'S RECEIPT OF THE COMMISSIONER'S WRITTEN RESIGNATION;

(C) THE COMMISSIONER'S DISQUALIFICATION FOR ELECTION OR APPOINTMENT OR EMPLOYMENT PURSUANT TO ARTICLE XI, SECTION 8;

(D) THE COMMISSIONER CEASES TO BE QUALIFIED TO SERVE AS A COMMISSIONER UNDER PART (1) OF THIS SECTION; OR

(E) AFTER WRITTEN NOTICE AND AN OPPORTUNITY FOR THE COMMISSIONER TO RESPOND, A VOTE OF 10 OF THE COMMISSIONERS FINDING SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE.

(4) THE SECRETARY OF STATE SHALL BE SECRETARY OF THE COMMISSION WITHOUT VOTE, AND IN THAT CAPACITY SHALL FURNISH, UNDER THE DIRECTION OF THE COMMISSION, ALL TECHNICAL SERVICES THAT THE COMMISSION DEEMS NECESSARY. THE COMMISSION SHALL ELECT ITS OWN CHAIRPERSON. THE COMMISSION HAS THE SOLE POWER TO MAKE ITS OWN RULES OF PROCEDURE. THE COMMISSION SHALL HAVE PROCUREMENT AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS FOR THE PURPOSES OF THIS SECTION, INCLUDING LEGAL REPRESENTATION.

(5) BEGINNING NO LATER THAN DECEMBER 1 OF THE YEAR PRECEDING THE FEDERAL DECENNIAL CENSUS, AND CONTINUING EACH YEAR IN WHICH THE COMMISSION OPERATES, THE LEGISLATURE SHALL APPROPRIATE FUNDS SUFFICIENT TO COMPENSATE THE COMMISSIONERS AND TO ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS, OPERATIONS AND ACTIVITIES, WHICH ACTIVITIES INCLUDE RETAINING INDEPENDENT, NONPARTISAN SUBJECT-MATTER EXPERTS AND LEGAL COUNSEL, CONDUCTING HEARINGS, PUBLISHING NOTICES AND MAINTAINING A RECORD OF THE COMMISSION'S PROCEEDINGS, AND ANY OTHER ACTIVITY NECESSARY FOR THE COMMISSION TO CONDUCT ITS BUSINESS, AT AN AMOUNT EQUAL TO NOT LESS THAN 25 PERCENT OF THE GENERAL FUND/GENERAL PURPOSE BUDGET FOR THE SECRETARY OF STATE FOR THAT FISCAL YEAR. WITHIN SIX MONTHS AFTER THE CONCLUSION OF EACH FISCAL YEAR, THE COMMISSION SHALL RETURN TO THE STATE TREASURY ALL MONEYS UNEXPENDED FOR THAT FISCAL YEAR. THE COMMISSION SHALL FURNISH REPORTS OF EXPENDITURES, AT LEAST ANNUALLY, TO THE GOVERNOR AND THE LEGISLATURE AND SHALL BE SUBJECT TO ANNUAL AUDIT AS PROVIDED BY LAW. EACH COMMISSIONER SHALL RECEIVE COMPENSATION AT LEAST EQUAL TO 25 PERCENT OF THE GOVERNOR'S SALARY. THE STATE OF MICHIGAN SHALL INDEMNIFY COMMISSIONERS FOR COSTS INCURRED IF THE LEGISLATURE DOES NOT APPROPRIATE SUFFICIENT FUNDS TO COVER SUCH COSTS.

(6) THE COMMISSION SHALL HAVE LEGAL STANDING TO PROSECUTE AN ACTION REGARDING THE ADEQUACY OF RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION, AND TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN. THE COMMISSION SHALL INFORM THE LEGISLATURE IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR OPERATION OF THE COMMISSION ARE NOT ADEQUATE. THE LEGISLATURE SHALL PROVIDE ADEQUATE FUNDING TO ALLOW THE COMMISSION TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN.

(7) THE SECRETARY OF STATE SHALL ISSUE A CALL CONVENING THE COMMISSION BY OCTOBER 15 IN THE YEAR OF THE FEDERAL DECENNIAL CENSUS. NOT LATER THAN NOVEMBER 1 IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS, THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN UNDER THIS SECTION FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS.

(8) BEFORE COMMISSIONERS DRAFT ANY PLAN, THE COMMISSION SHALL HOLD AT LEAST TEN PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF INFORMING THE PUBLIC ABOUT THE REDISTRICTING PROCESS AND THE PURPOSE AND RESPONSIBILITIES OF THE COMMISSION AND SOLICITING INFORMATION FROM THE PUBLIC ABOUT POTENTIAL PLANS. THE COMMISSION SHALL RECEIVE FOR CONSIDERATION WRITTEN SUBMISSIONS OF PROPOSED REDISTRICTING PLANS AND ANY SUPPORTING MATERIALS, INCLUDING UNDERLYING DATA, FROM ANY MEMBER OF THE PUBLIC. THESE WRITTEN SUBMISSIONS ARE PUBLIC RECORDS.

(9) AFTER DEVELOPING AT LEAST ONE PROPOSED REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT, THE COMMISSION SHALL PUBLISH THE PROPOSED REDISTRICTING PLANS AND ANY DATA AND SUPPORTING MATERIALS USED TO DEVELOP THE PLANS. EACH COMMISSIONER MAY ONLY PROPOSE ONE REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT. THE COMMISSION SHALL HOLD AT LEAST FIVE PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF SOLICITING COMMENT FROM THE PUBLIC ABOUT THE PROPOSED PLANS. EACH OF THE PROPOSED PLANS SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND A MAP AND LEGAL DESCRIPTION THAT INCLUDE THE POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNSHIPS; MAN-MADE FEATURES, SUCH AS STREETS, ROADS, HIGHWAYS, AND RAILROADS; AND NATURAL FEATURES, SUCH AS WATERWAYS, WHICH FORM THE BOUNDARIES OF THE DISTRICTS.

(10) EACH COMMISSIONER SHALL PERFORM HIS OR HER DUTIES IN A MANNER THAT IS IMPARTIAL AND REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS. THE COMMISSION SHALL CONDUCT ALL OF ITS BUSINESS AT OPEN MEETINGS. NINE COMMISSIONERS, INCLUDING AT LEAST ONE COMMISSIONER FROM EACH SELECTION POOL SHALL CONSTITUTE A QUORUM, AND ALL MEETINGS SHALL REQUIRE A QUORUM. THE COMMISSION SHALL PROVIDE ADVANCE PUBLIC NOTICE OF ITS MEETINGS AND HEARINGS. THE COMMISSION SHALL CONDUCT ITS HEARINGS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION THROUGHOUT THE STATE. THE COMMISSION SHALL USE TECHNOLOGY TO PROVIDE CONTEMPORANEOUS PUBLIC OBSERVATION AND MEANINGFUL

PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS DURING ALL MEETINGS AND HEARINGS.

(11) THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, AND CONSULTANTS SHALL NOT DISCUSS REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC OUTSIDE OF AN OPEN MEETING OF THE COMMISSION, EXCEPT THAT A COMMISSIONER MAY COMMUNICATE ABOUT REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC TO GAIN INFORMATION RELEVANT TO THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH COMMUNICATION OCCURS (A) IN WRITING OR (B) AT A PREVIOUSLY PUBLICLY NOTICED FORUM OR TOWN HALL OPEN TO THE GENERAL PUBLIC.

THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, EXPERTS, AND CONSULTANTS MAY NOT DIRECTLY OR INDIRECTLY SOLICIT OR ACCEPT ANY GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE GREATER THAN \$20 FOR THE BENEFIT OF ANY PERSON OR ORGANIZATION, WHICH MAY INFLUENCE THE MANNER IN WHICH THE COMMISSIONER, STAFF, ATTORNEY, EXPERT, OR CONSULTANT PERFORMS HIS OR HER DUTIES.

(12) EXCEPT AS PROVIDED IN PART (14) OF THIS SECTION, A FINAL DECISION OF THE COMMISSION REQUIRES THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS. A DECISION ON THE DISMISSAL OR RETENTION OF PAID STAFF OR CONSULTANTS REQUIRES THE VOTE OF AT LEAST ONE COMMISSIONER AFFILIATING WITH EACH OF THE MAJOR PARTIES AND ONE NON-AFFILIATING COMMISSIONER. ALL DECISIONS OF THE COMMISSION SHALL BE RECORDED, AND THE RECORD OF ITS DECISIONS SHALL BE READILY AVAILABLE TO ANY MEMBER OF THE PUBLIC WITHOUT CHARGE.

(13) THE COMMISSION SHALL ABIDE BY THE FOLLOWING CRITERIA IN PROPOSING AND ADOPTING EACH PLAN, IN ORDER OF PRIORITY:

(A) DISTRICTS SHALL BE OF EQUAL POPULATION AS MANDATED BY THE UNITED STATES CONSTITUTION, AND SHALL COMPLY WITH THE VOTING RIGHTS ACT AND OTHER FEDERAL LAWS.

(B) DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS.

(C) DISTRICTS SHALL REFLECT THE STATE'S DIVERSE POPULATION AND COMMUNITIES OF INTEREST. COMMUNITIES OF INTEREST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, POPULATIONS THAT SHARE CULTURAL OR HISTORICAL CHARACTERISTICS OR ECONOMIC INTERESTS. COMMUNITIES OF INTEREST DO NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.

(D) DISTRICTS SHALL NOT PROVIDE A DISPROPORTIONATE ADVANTAGE TO ANY POLITICAL PARTY. A DISPROPORTIONATE ADVANTAGE TO A POLITICAL PARTY SHALL BE DETERMINED USING ACCEPTED MEASURES OF PARTISAN FAIRNESS.

(E) DISTRICTS SHALL NOT FAVOR OR DISFAVOR AN INCUMBENT ELECTED OFFICIAL OR A CANDIDATE.

(F) DISTRICTS SHALL REFLECT CONSIDERATION OF COUNTY, CITY, AND TOWNSHIP BOUNDARIES.

(G) DISTRICTS SHALL BE REASONABLY COMPACT.

(14) THE COMMISSION SHALL FOLLOW THE FOLLOWING PROCEDURE IN ADOPTING A PLAN:

(A) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL ENSURE THAT THE PLAN IS TESTED, USING APPROPRIATE TECHNOLOGY, FOR COMPLIANCE WITH THE CRITERIA DESCRIBED ABOVE.

(B) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF EACH PLAN THAT WILL BE VOTED ON AND PROVIDE AT LEAST 45 DAYS FOR PUBLIC COMMENT ON THE PROPOSED PLAN OR PLANS. EACH PLAN THAT WILL BE VOTED ON SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION.

(C) A FINAL DECISION OF THE COMMISSION TO ADOPT A REDISTRICTING PLAN REQUIRES A MAJORITY VOTE OF THE COMMISSION, INCLUDING AT LEAST TWO COMMISSIONERS WHO AFFILIATE WITH EACH MAJOR PARTY, AND AT LEAST TWO COMMISSIONERS WHO DO NOT AFFILIATE WITH EITHER MAJOR PARTY. IF NO PLAN SATISFIES THIS REQUIREMENT FOR A TYPE OF DISTRICT, THE COMMISSION SHALL USE THE FOLLOWING PROCEDURE TO ADOPT A PLAN FOR THAT TYPE OF DISTRICT:

(I) EACH COMMISSIONER MAY SUBMIT ONE PROPOSED PLAN FOR EACH TYPE OF DISTRICT TO THE FULL COMMISSION FOR CONSIDERATION.

(II) EACH COMMISSIONER SHALL RANK THE PLANS SUBMITTED ACCORDING TO PREFERENCE. EACH PLAN SHALL BE ASSIGNED A POINT VALUE INVERSE TO ITS RANKING AMONG THE NUMBER OF CHOICES, GIVING THE LOWEST RANKED PLAN ONE POINT AND THE HIGHEST RANKED PLAN A POINT VALUE EQUAL TO THE NUMBER OF PLANS SUBMITTED.

(III) THE COMMISSION SHALL ADOPT THE PLAN RECEIVING THE HIGHEST TOTAL POINTS, THAT IS ALSO RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS NOT AFFILIATED WITH THE PARTY OF THE COMMISSIONER SUBMITTING THE PLAN, OR IN THE CASE OF A PLAN SUBMITTED BY NON-AFFILIATED COMMISSIONERS, IS RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS AFFILIATED WITH A MAJOR PARTY. IF PLANS ARE TIED FOR THE HIGHEST POINT TOTAL, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM THOSE PLANS. IF NO PLAN MEETS THE REQUIREMENTS OF THIS SUBPARAGRAPH, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM AMONG ALL SUBMITTED PLANS PURSUANT TO PART (14)(C)(I).

(15) WITHIN 30 DAYS AFTER ADOPTING A PLAN, THE COMMISSION SHALL PUBLISH THE PLAN AND THE MATERIAL REPORTS, REFERENCE MATERIALS, AND DATA USED IN DRAWING IT, INCLUDING ANY PROGRAMMING INFORMATION USED TO PRODUCE AND TEST THE PLAN. THE PUBLISHED MATERIALS SHALL BE SUCH THAT AN INDEPENDENT PERSON IS ABLE TO REPLICATE THE CONCLUSION WITHOUT ANY MODIFICATION OF ANY OF THE PUBLISHED MATERIALS.

(16) FOR EACH ADOPTED PLAN, THE COMMISSION SHALL ISSUE A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECISIONS IN ACHIEVING COMPLIANCE WITH PLAN REQUIREMENTS AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION. A COMMISSIONER WHO VOTES AGAINST A REDISTRICTING PLAN MAY SUBMIT A DISSENTING REPORT WHICH SHALL BE ISSUED WITH THE COMMISSION'S REPORT.

(17) AN ADOPTED REDISTRICTING PLAN SHALL BECOME LAW 60 DAYS AFTER ITS PUBLICATION. THE SECRETARY OF STATE SHALL KEEP A PUBLIC RECORD OF ALL PROCEEDINGS OF THE COMMISSION AND SHALL PUBLISH AND DISTRIBUTE EACH PLAN AND REQUIRED DOCUMENTATION.

(18) THE TERMS OF THE COMMISSIONERS SHALL EXPIRE ONCE THE COMMISSION HAS COMPLETED ITS OBLIGATIONS FOR A CENSUS CYCLE BUT NOT BEFORE ANY JUDICIAL REVIEW OF THE REDISTRICTING PLAN IS COMPLETE.

(19) THE SUPREME COURT, IN THE EXERCISE OF ORIGINAL JURISDICTION, SHALL DIRECT THE SECRETARY OF STATE OR THE COMMISSION TO PERFORM THEIR RESPECTIVE DUTIES, MAY REVIEW A CHALLENGE TO ANY PLAN ADOPTED BY THE COMMISSION, AND SHALL REMAND A PLAN TO THE COMMISSION FOR FURTHER ACTION IF THE PLAN FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS CONSTITUTION, THE CONSTITUTION OF THE UNITED STATES OR SUPERSEDING FEDERAL LAW. IN NO EVENT SHALL ANY BODY, EXCEPT THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION ACTING PURSUANT TO THIS SECTION, PROMULGATE AND ADOPT A REDISTRICTING PLAN OR PLANS FOR THIS STATE.

(20) THIS SECTION IS SELF-EXECUTING. IF ANY PART OR PARTS OF THIS SECTION ARE FOUND TO BE IN CONFLICT WITH THE UNITED STATES CONSTITUTION OR FEDERAL LAW, THE SECTION SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE UNITED STATES CONSTITUTION AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID IS SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

(21) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO EMPLOYER SHALL DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE AGAINST ANY EMPLOYEE BECAUSE OF THE EMPLOYEE'S MEMBERSHIP ON THE COMMISSION OR ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

(22) 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 2, 3 AND 6 AND ARTICLE V, SECTION 2, INCLUDING THIS PROVISION, FOR PURPOSES OF INTERPRETING THIS CONSTITUTIONAL AMENDMENT THE PEOPLE DECLARE THAT THE POWERS GRANTED TO THE COMMISSION ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE LEGISLATURE, 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 LEGISLATURE. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN THIS SECTION.

A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

The proposal, if adopted, would add the following provision to the end of Article V, §2.

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 2, 3 AND 6 AND ARTICLE V, SECTION 2, 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.

The following provisions of the Constitution would be altered or abrogated by the proposal, if adopted:

Article IV – Legislative Branch

§1 Legislative power

Sec. 1. Legislative power. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be

combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 6 Commission on legislative apportionment

A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Article V – Executive Branch

§1 Executive power

Sec. 1. 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.

Article VI – Judicial Branch

§ 1 Judicial power in court of justice; divisions.

Sec. 1. 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. 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.

Malerman, Melissa (MDOS)

From: James Lancaster <lancaster-law@comcast.net>
Sent: Friday, July 14, 2017 2:44 PM
To: Malerman, Melissa (MDOS)
Subject: RE: Voters Not Politicians
Attachments: PDF of Voters Not Politician proposed constitutional amendment with 7 panels of proposal language on 8.5 x 14 format sent to Malerman on 07.14.17.pdf; Front panel sent to Malerman on 07.14.17.pdf; Back panel sent to Malerman on 07.14.17.pdf

Importance: High

Thanks for your input re the abrogation process.

I am (supposed to be) on vacation today. I am in St. Ignace, so I may be a bit hard to get ahold of....communications technology not always being the best up here.

My understanding is that Katie Fahey (the Treasurer of Voters Not Politicians Ballot Committee) tried to get ahold of you, but only had a conversation with Sally this morning. My understanding is he did not speak to anyone else.

Nevertheless, it is now my understanding after speaking to Katie, that Sally conveyed a message, much like your email to me Thursday, to the effect that review of our proposal has been put on the back burner because there is some other matter that is more urgent, and that it could actually be "months" before the BOE and AG review could be completed. It also my understanding that Sally said that she had no idea when the review would be completed. Again, I am hearing this second hand. I am only relating what I have heard.

Additionally, some of our volunteers have been in contact with Fred Woodhams about the situation. I just found out about these contacts this morning.

I am told that Fred told one volunteer that the first version of our proposal was received this Monday.

As you know, that is not true.

I sent you two emails on June 28, 2017. The first email forwarded the revised signature page, containing the edits you had asked for. The second email was the language of the proposal. It was in an 8.5" x 11" word document; I send it in this format because it was my understanding that this would be easier for you and the AG staff to review, as the AG would be looking not so much at the "form" of the petition (margins, statutorily required language, etc) but to the substance; specifically as to whether we had republished all of the sections of the Constitution that would be abrogated by our proposal.

The next day, June 29, 2017, I delivered to you personally a "mock up" of our petition; it was the 8 - 8.5" x 14" panels, that I taped together to show the manner in which the petition would appear when it was actually printed. I asked you if this was all you needed at this time; you said yes.

I did not submit anything to SOS on Monday.

The first time I had any contact with your office this week was when I met with you on Wednesday afternoon (and by the way, thank you for making the time for me)

Fred's comment is leaving the misleading impression that SOS/BOE is waiting for us to send them something.

Fred also informed one of our volunteers that he understood that another draft is coming; again, giving the impression that somehow Voters Not Politicians is causing the delay in the review of the petition.

The new draft, a copy of which is attached, only makes a very minor change that we discussed on Wednesday. In the proposed amendment to Art IV, Sec. 6(2)(C), we changed the word "July" to "June". As we discussed, this is a very minor change that should not hold up the AG's review of the abrogation issues (and actually is irrelevant to any potential abrogation issue). I have attached a revised form of the petition that has incorporated this change.

The only substantive question I have for you, and the AG, regards Article V. You are aware of this issue, so I don't think we need to discuss this further.

We are not withdrawing from the optional approval process. However, you must understand that because my client is now, for the first time, being told that there will be an indefinite delay of perhaps "months", they are understandably very upset. And some are coming to the conclusion that review of our proposal is being purposely delayed. I am not accusing anyone of this; but, the circumstances are causing others to reach this conclusion. This concern is exacerbated by the statements Mr. Woodhams is making, as well.

Is there no way that your office, and the AG, can give us a more definite deadline for your recommendation, and the for a BSC hearing?

As you may recall, in early February, you and I had a email exchange about this informal review and the BSC approval process. Your response to me at that time was that your office tries to have a 24 hour turnaround. With respect to the signature page of the petition (which I understand only your office, and not the AG, review) it was completed very promptly. We appreciate that. And it is our understanding that BOE is satisfied with the form of the signature page.

So, the only issues holding up the completion of the review of our petition is the delay caused by the AG's office of the abrogation issues.

The SOS guidance document states that your office's review only involves the form, and not the substance of the request. I have informed my client that this is not, strictly speaking, correct. The analysis of the abrogation issues being conducted by the AG does involve the substance of our proposal. So, I have advised my client that it would not be reasonable to expect a 24 hour turn around on this.

However, an indefinite delay is not acceptable to my client.

I understand that the abrogation issues are somewhat complicated...but they aren't that complicated. I would be glad to sit down with the appropriate AAGs to discuss the issue. As I have been analyzing the issue for several months, I would welcome an opportunity to do this.

But this needs to happen NOW. Like Monday, Tuesday at the latest.

Please let me know if this would be possible in order to expedite the completion of the AG review.

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

On July 14, 2017 at 11:44 AM "Malerman, Melissa (MDOS)" <malermanm@michigan.gov> wrote:

I have raised all of those issues; all I had to share at this point was the tidbit about Art. IV §1.

Multiple people in our office have heard from Katie Fahey (sp?) today regarding the status of the petition. As a reminder, your organization is free to withdraw from the BSC's optional approval as to form process and circulate the petition form (assuming you've made the correction noted below) as long as MCL 168.483a has been complied with. If you wish to withdraw from the optional process, please advise.

From: James Lancaster [mailto:lancaster-law@comcast.net]
Sent: Thursday, July 13, 2017 2:19 PM
To: Malerman, Melissa (MDOS)
Subject: RE: Voters Not Politicians

Did you talk to them about Article V, Section 4?

If not, could you?

As we discussed yesterday, I have to send you a new version fixing the typo I mentioned,

If they were inclined to opine that it is necessary to republish Art V, Section 4, I would like to include that as well.

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

On July 13, 2017 at 1:58 PM "Malerman, Melissa (MDOS)"
<malermanm@michigan.gov> wrote:

I spoke with the Attorney General's office yesterday. Their review of the petition is ongoing, but the election attorneys who assist us in these matters are working on other matters with pressing deadlines that will occupy much of their time for the next few days/weeks. One question they are considering is whether it is necessary to republish Art. IV §1, given that practically every proposed constitutional amendment limits the legislature's ability to pass a law -- I don't have resolution on that point but wanted to give you an opportunity to think about it.

From: James Lancaster [<mailto:lancaster-law@comcast.net>]
Sent: Thursday, July 06, 2017 11:01 AM
To: Malerman, Melissa (MDOS)
Subject: Voters Not Politicians

Following up on our conversation from last week, attached is a mockup of our petition, which includes the lines delineating the edges of each page.

Could you please give me an update on the status of your review?

Also, an update of when you think a Board of State Canvassers meeting might be scheduled?

Thanks, Jim.

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

The proposal, if adopted, would amend Article IV, Sections 2, 3 and 6, as follows (new language capitalized, deleted language struck out with a line):

Article IV – Legislative Branch

§ 2 Senators, number, term

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

~~In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.~~

~~In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:~~

~~(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.~~

~~(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.~~

~~(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.~~

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. ~~The districts shall consist of compact and convenient territory contiguous by land.~~

~~Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.~~

~~After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.~~

~~Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:~~

~~(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.~~

~~(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.~~

~~Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.~~

§ 6 INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS.

~~Commission on legislative apportionment.~~

Sec. 6.

(1) AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS (HEREINAFTER, THE "COMMISSION") IS HEREBY ESTABLISHED AS A PERMANENT COMMISSION IN THE LEGISLATIVE BRANCH. THE COMMISSION SHALL CONSIST OF 13 COMMISSIONERS. THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS. EACH COMMISSIONER SHALL:

(A) BE REGISTERED AND ELIGIBLE TO VOTE IN THE STATE OF MICHIGAN;

(B) NOT CURRENTLY BE OR IN THE PAST 6 YEARS HAVE BEEN ANY OF THE FOLLOWING:

(I) A CANDIDATE FOR PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(II) AN ELECTED OFFICIAL TO PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(III) AN OFFICER OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(IV) A PRECINCT DELEGATE OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(V) A MEMBER OF THE LEADERSHIP BODY OF ANY NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(VI) A CONSULTANT OR EMPLOYEE OF A FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL OR POLITICAL CANDIDATE, OF A FEDERAL, STATE, OR LOCAL POLITICAL CANDIDATE'S CAMPAIGN, OR OF A POLITICAL ACTION COMMITTEE OR LIKE ORGANIZATION;

(VII) AN EMPLOYEE OF THE LEGISLATURE OR STATEWIDE ELECTED OFFICIAL;

(VIII) A REGISTERED LOBBYIST OR AN EMPLOYEE OF A REGISTERED LOBBYIST; OR

(IX) AN UNCLASSIFIED EMPLOYEE OF THE STATE OF MICHIGAN;

(C) NOT BE RELATED TO ANY INDIVIDUAL DISQUALIFIED UNDER PART (1)(B) OF THIS SECTION BY TWO OR FEWER DEGREES OF CONSANGUINITY OR BY THREE OR FEWER DEGREES OF AFFINITY; OR

(D) NOT BE OTHERWISE DISQUALIFIED FOR APPOINTED OR ELECTED OFFICE BY THIS CONSTITUTION OR CONVICTED OF A FELONY WITHIN THE PAST TEN YEARS.

(E) FOR FIVE YEARS AFTER THE DATE OF APPOINTMENT, A COMMISSIONER IS INELIGIBLE TO HOLD A PARTISAN ELECTIVE OFFICE AT THE STATE, COUNTY, CITY, VILLAGE, OR TOWNSHIP LEVEL IN MICHIGAN.

(2) COMMISSIONERS SHALL BE SELECTED THROUGH THE FOLLOWING PROCESS:

(A) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

(I) MAKE APPLICATIONS FOR COMMISSIONER AVAILABLE TO THE GENERAL PUBLIC NOT LATER THAN JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS. THE SECRETARY OF STATE SHALL CIRCULATE THE APPLICATIONS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION FROM DIFFERENT REGIONS OF THE STATE. THE SECRETARY OF STATE SHALL ALSO MAIL APPLICATIONS FOR COMMISSIONER TO TEN THOUSAND MICHIGAN REGISTERED VOTERS, SELECTED AT RANDOM, BY JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(II) REQUIRE APPLICANTS TO PROVIDE A COMPLETED APPLICATION, HIS OR HER RESUME AND CONTACT INFORMATION FOR AT LEAST TWO SUPPORTING REFERENCES.

(III) REQUIRE APPLICANTS TO ATTEST THAT:

(A) THEY MEET THE QUALIFICATIONS SET FORTH IN THIS SECTION; AND

(B) (1) EITHER THAT THEY AFFILIATE WITH ONE OF THE TWO POLITICAL PARTIES WITH THE LARGEST REPRESENTATION IN THE LEGISLATURE (HEREINAFTER, "MAJOR PARTIES"), AND IF SO, IDENTIFY THE PARTY WITH WHICH THEY AFFILIATE; OR (2) THAT THEY DO NOT AFFILIATE WITH EITHER OF THE MAJOR PARTIES.

(B) SUBJECT TO PART (2)(C) OF THIS SECTION, THE SECRETARY OF STATE SHALL MAIL ADDITIONAL APPLICATIONS FOR COMMISSIONER TO MICHIGAN REGISTERED VOTERS SELECTED AT RANDOM UNTIL 30 QUALIFYING APPLICANTS THAT AFFILIATE WITH ONE OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, 30 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY AFFILIATE WITH THE OTHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, AND 40 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY DO NOT AFFILIATE WITH EITHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, EACH IN RESPONSE TO THE MAILINGS.

(C) THE SECRETARY OF STATE SHALL ACCEPT APPLICATIONS FOR COMMISSIONER UNTIL JUNE 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(D) BY JULY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, FROM ALL OF THE APPLICATIONS SUBMITTED, THE SECRETARY OF STATE SHALL:

(I) ELIMINATE INCOMPLETE APPLICATIONS AND APPLICANTS WHO DO NOT MEET THE QUALIFICATIONS IN PARTS (1)(A) THROUGH (1)(D) OF THIS SECTION;

(II) RANDOMLY SELECT 60 APPLICANTS FROM EACH POOL OF AFFILIATING APPLICANTS AND 80 APPLICANTS FROM THE POOL OF NON-AFFILIATING APPLICANTS. 50% OF EACH POOL SHALL BE POPULATED FROM THE QUALIFYING APPLICANTS TO SUCH POOL WHO RETURNED AN APPLICATION MAILED PURSUANT TO PART 2(A) OR 2(B) OF THIS SECTION, PROVIDED, THAT IF FEWER THAN 30 QUALIFYING APPLICANTS AFFILIATED WITH A MAJOR PARTY OR FEWER THAN 40 QUALIFYING NON-AFFILIATING APPLICANTS HAVE APPLIED TO SERVE ON THE COMMISSION IN RESPONSE TO THE RANDOM MAILING, THE BALANCE OF THE POOL SHALL BE POPULATED FROM THE BALANCE OF QUALIFYING APPLICANTS TO THAT POOL. THE RANDOM SELECTION PROCESS USED BY THE SECRETARY OF STATE TO FILL THE SELECTION POOLS SHALL USE ACCEPTED STATISTICAL WEIGHTING METHODS TO ENSURE THAT THE POOLS, AS CLOSELY AS POSSIBLE, MIRROR THE GEOGRAPHIC AND DEMOGRAPHIC MAKEUP OF THE STATE; AND

(III) SUBMIT THE RANDOMLY-SELECTED APPLICATIONS TO THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(E) BY AUGUST 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE MAJORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY EACH STRIKE FIVE APPLICANTS FROM ANY POOL OR POOLS, UP TO A MAXIMUM OF 20 TOTAL STRIKES BY THE FOUR LEGISLATIVE LEADERS.

(F) BY SEPTEMBER 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE SECRETARY OF STATE SHALL RANDOMLY DRAW THE NAMES OF FOUR COMMISSIONERS FROM EACH OF THE TWO POOLS OF REMAINING APPLICANTS AFFILIATING WITH A MAJOR PARTY, AND FIVE COMMISSIONERS FROM THE POOL OF REMAINING NON-AFFILIATING APPLICANTS.

(3) EXCEPT AS PROVIDED BELOW, COMMISSIONERS SHALL HOLD OFFICE FOR THE TERM SET FORTH IN PART (18) OF THIS SECTION. IF A COMMISSIONER'S SEAT BECOMES VACANT FOR ANY REASON, THE SECRETARY OF STATE SHALL FILL THE

VACANCY BY RANDOMLY DRAWING A NAME FROM THE REMAINING QUALIFYING APPLICANTS IN THE SELECTION POOL FROM WHICH THE ORIGINAL COMMISSIONER WAS SELECTED. A COMMISSIONER'S OFFICE SHALL BECOME VACANT UPON THE OCCURRENCE OF ANY OF THE FOLLOWING:

- (A) DEATH OR MENTAL INCAPACITY OF THE COMMISSIONER;
- (B) THE SECRETARY OF STATE'S RECEIPT OF THE COMMISSIONER'S WRITTEN RESIGNATION;
- (C) THE COMMISSIONER'S DISQUALIFICATION FOR ELECTION OR APPOINTMENT OR EMPLOYMENT PURSUANT TO ARTICLE XI, SECTION 8;
- (D) THE COMMISSIONER CEASES TO BE QUALIFIED TO SERVE AS A COMMISSIONER UNDER PART (1) OF THIS SECTION; OR
- (E) AFTER WRITTEN NOTICE AND AN OPPORTUNITY FOR THE COMMISSIONER TO RESPOND, A VOTE OF 10 OF THE COMMISSIONERS FINDING SUBSTANTIAL NEGLIGENCE OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE.

(4) THE SECRETARY OF STATE SHALL BE SECRETARY OF THE COMMISSION WITHOUT VOTE, AND IN THAT CAPACITY SHALL FURNISH, UNDER THE DIRECTION OF THE COMMISSION, ALL TECHNICAL SERVICES THAT THE COMMISSION DEEMS NECESSARY. THE COMMISSION SHALL ELECT ITS OWN CHAIRPERSON. THE COMMISSION HAS THE SOLE POWER TO MAKE ITS OWN RULES OF PROCEDURE. THE COMMISSION SHALL HAVE PROCUREMENT AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS FOR THE PURPOSES OF THIS SECTION, INCLUDING LEGAL REPRESENTATION.

(5) BEGINNING NO LATER THAN DECEMBER 1 OF THE YEAR PRECEDING THE FEDERAL DECENNIAL CENSUS, AND CONTINUING EACH YEAR IN WHICH THE COMMISSION OPERATES, THE LEGISLATURE SHALL APPROPRIATE FUNDS SUFFICIENT TO COMPENSATE THE COMMISSIONERS AND TO ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS, OPERATIONS AND ACTIVITIES, WHICH ACTIVITIES INCLUDE RETAINING INDEPENDENT, NONPARTISAN SUBJECT-MATTER EXPERTS AND LEGAL COUNSEL, CONDUCTING HEARINGS, PUBLISHING NOTICES AND MAINTAINING A RECORD OF THE COMMISSION'S PROCEEDINGS, AND ANY OTHER ACTIVITY NECESSARY FOR THE COMMISSION TO CONDUCT ITS BUSINESS, AT AN AMOUNT EQUAL TO NOT LESS THAN 25 PERCENT OF THE GENERAL FUND/GENERAL PURPOSE BUDGET FOR THE SECRETARY OF STATE FOR THAT FISCAL YEAR. WITHIN SIX MONTHS AFTER THE CONCLUSION OF EACH FISCAL YEAR, THE COMMISSION SHALL RETURN TO THE STATE TREASURY ALL MONEYS UNEXPENDED FOR THAT FISCAL YEAR. THE COMMISSION SHALL FURNISH REPORTS OF EXPENDITURES, AT LEAST ANNUALLY, TO THE GOVERNOR AND THE LEGISLATURE AND SHALL BE SUBJECT TO ANNUAL AUDIT AS PROVIDED BY LAW. EACH COMMISSIONER SHALL RECEIVE COMPENSATION AT LEAST EQUAL TO 25 PERCENT OF THE GOVERNOR'S SALARY. THE STATE OF MICHIGAN SHALL INDEMNIFY COMMISSIONERS FOR COSTS INCURRED IF THE LEGISLATURE DOES NOT APPROPRIATE SUFFICIENT FUNDS TO COVER SUCH COSTS.

(6) THE COMMISSION SHALL HAVE LEGAL STANDING TO PROSECUTE AN ACTION REGARDING THE ADEQUACY OF RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION, AND TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN. THE COMMISSION SHALL INFORM THE LEGISLATURE IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR OPERATION OF THE COMMISSION ARE NOT ADEQUATE. THE LEGISLATURE SHALL PROVIDE ADEQUATE FUNDING TO ALLOW THE COMMISSION TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN.

(7) THE SECRETARY OF STATE SHALL ISSUE A CALL CONVENING THE COMMISSION BY OCTOBER 15 IN THE YEAR OF THE FEDERAL DECENNIAL CENSUS. NOT LATER THAN NOVEMBER 1 IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS, THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN UNDER THIS SECTION FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS.

(8) BEFORE COMMISSIONERS DRAFT ANY PLAN, THE COMMISSION SHALL HOLD AT LEAST TEN PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF INFORMING THE PUBLIC ABOUT THE REDISTRICTING PROCESS AND THE PURPOSE AND RESPONSIBILITIES OF THE COMMISSION AND SOLICITING INFORMATION FROM THE PUBLIC ABOUT POTENTIAL PLANS. THE COMMISSION SHALL RECEIVE FOR CONSIDERATION WRITTEN SUBMISSIONS OF PROPOSED REDISTRICTING PLANS AND ANY SUPPORTING MATERIALS, INCLUDING UNDERLYING DATA, FROM ANY MEMBER OF THE PUBLIC. THESE WRITTEN SUBMISSIONS ARE PUBLIC RECORDS.

(9) AFTER DEVELOPING AT LEAST ONE PROPOSED REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT, THE COMMISSION SHALL PUBLISH THE PROPOSED REDISTRICTING PLANS AND ANY DATA AND SUPPORTING MATERIALS USED TO DEVELOP THE PLANS. EACH COMMISSIONER MAY ONLY PROPOSE ONE REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT. THE COMMISSION SHALL HOLD AT LEAST FIVE PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF SOLICITING COMMENT FROM THE PUBLIC ABOUT THE PROPOSED PLANS. EACH OF THE PROPOSED PLANS SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND A MAP AND LEGAL DESCRIPTION THAT INCLUDE THE POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNSHIPS; MAN-MADE FEATURES, SUCH AS STREETS, ROADS, HIGHWAYS, AND RAILROADS; AND NATURAL FEATURES, SUCH AS WATERWAYS, WHICH FORM THE BOUNDARIES OF THE DISTRICTS.

(10) EACH COMMISSIONER SHALL PERFORM HIS OR HER DUTIES IN A MANNER THAT IS IMPARTIAL AND REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS. THE COMMISSION SHALL CONDUCT ALL OF ITS BUSINESS AT OPEN MEETINGS. NINE COMMISSIONERS, INCLUDING AT LEAST ONE COMMISSIONER FROM EACH SELECTION POOL SHALL CONSTITUTE A QUORUM, AND ALL MEETINGS SHALL REQUIRE A QUORUM. THE COMMISSION SHALL PROVIDE ADVANCE PUBLIC NOTICE OF ITS MEETINGS AND HEARINGS. THE COMMISSION SHALL CONDUCT ITS HEARINGS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION THROUGHOUT THE STATE. THE COMMISSION SHALL USE TECHNOLOGY TO PROVIDE CONTEMPORANEOUS PUBLIC OBSERVATION AND MEANINGFUL PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS DURING ALL MEETINGS AND HEARINGS.

(11) THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, AND CONSULTANTS SHALL NOT DISCUSS REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC OUTSIDE OF AN OPEN MEETING OF THE COMMISSION, EXCEPT THAT A COMMISSIONER MAY COMMUNICATE ABOUT REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC TO GAIN INFORMATION RELEVANT TO THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH COMMUNICATION OCCURS (A) IN WRITING OR (B) AT A PREVIOUSLY PUBLICLY NOTICED FORUM OR TOWN HALL OPEN TO THE GENERAL PUBLIC.

THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, EXPERTS, AND CONSULTANTS MAY NOT DIRECTLY OR INDIRECTLY SOLICIT OR ACCEPT ANY GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE GREATER THAN \$20 FOR THE BENEFIT OF ANY PERSON OR ORGANIZATION, WHICH MAY INFLUENCE THE MANNER IN WHICH THE COMMISSIONER, STAFF, ATTORNEY, EXPERT, OR CONSULTANT PERFORMS HIS OR HER DUTIES.

(12) EXCEPT AS PROVIDED IN PART (14) OF THIS SECTION, A FINAL DECISION OF THE COMMISSION REQUIRES THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS. A DECISION ON THE DISMISSAL OR RETENTION OF PAID STAFF OR CONSULTANTS REQUIRES THE VOTE OF AT LEAST ONE COMMISSIONER AFFILIATING WITH EACH OF THE MAJOR PARTIES AND ONE NON-AFFILIATING COMMISSIONER. ALL DECISIONS OF THE COMMISSION SHALL BE RECORDED, AND THE RECORD OF ITS DECISIONS SHALL BE READILY AVAILABLE TO ANY MEMBER OF THE PUBLIC WITHOUT CHARGE.

(13) THE COMMISSION SHALL ABIDE BY THE FOLLOWING CRITERIA IN PROPOSING AND ADOPTING EACH PLAN, IN ORDER OF PRIORITY:

(A) DISTRICTS SHALL BE OF EQUAL POPULATION AS MANDATED BY THE UNITED STATES CONSTITUTION, AND SHALL COMPLY WITH THE VOTING RIGHTS ACT AND OTHER FEDERAL LAWS.

(B) DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS.

(C) DISTRICTS SHALL REFLECT THE STATE'S DIVERSE POPULATION AND COMMUNITIES OF INTEREST. COMMUNITIES OF INTEREST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, POPULATIONS THAT SHARE CULTURAL OR HISTORICAL CHARACTERISTICS OR ECONOMIC INTERESTS. COMMUNITIES OF INTEREST DO NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.

(D) DISTRICTS SHALL NOT PROVIDE A DISPROPORTIONATE ADVANTAGE TO ANY POLITICAL PARTY. A DISPROPORTIONATE ADVANTAGE TO A POLITICAL PARTY SHALL BE DETERMINED USING ACCEPTED MEASURES OF PARTISAN FAIRNESS.

(E) DISTRICTS SHALL NOT FAVOR OR DISFAVOR AN INCUMBENT ELECTED OFFICIAL OR A CANDIDATE.

(F) DISTRICTS SHALL REFLECT CONSIDERATION OF COUNTY, CITY, AND TOWNSHIP BOUNDARIES.

(G) DISTRICTS SHALL BE REASONABLY COMPACT.

(14) THE COMMISSION SHALL FOLLOW THE FOLLOWING PROCEDURE IN ADOPTING A PLAN:

(A) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL ENSURE THAT THE PLAN IS TESTED, USING APPROPRIATE TECHNOLOGY, FOR COMPLIANCE WITH THE CRITERIA DESCRIBED ABOVE.

(B) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF EACH PLAN THAT WILL BE VOTED ON AND PROVIDE AT LEAST 45 DAYS FOR PUBLIC COMMENT ON THE PROPOSED PLAN OR PLANS. EACH PLAN THAT WILL BE VOTED ON SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION.

(C) A FINAL DECISION OF THE COMMISSION TO ADOPT A REDISTRICTING PLAN REQUIRES A MAJORITY VOTE OF THE COMMISSION, INCLUDING AT LEAST TWO COMMISSIONERS WHO AFFILIATE WITH EACH MAJOR PARTY, AND AT LEAST TWO COMMISSIONERS WHO DO NOT AFFILIATE WITH EITHER MAJOR PARTY. IF NO PLAN SATISFIES THIS REQUIREMENT FOR A TYPE OF DISTRICT, THE COMMISSION SHALL USE THE FOLLOWING PROCEDURE TO ADOPT A PLAN FOR THAT TYPE OF DISTRICT:

(I) EACH COMMISSIONER MAY SUBMIT ONE PROPOSED PLAN FOR EACH TYPE OF DISTRICT TO THE FULL COMMISSION FOR CONSIDERATION.

(II) EACH COMMISSIONER SHALL RANK THE PLANS SUBMITTED ACCORDING TO PREFERENCE. EACH PLAN SHALL BE ASSIGNED A POINT VALUE INVERSE TO ITS RANKING AMONG THE NUMBER OF CHOICES, GIVING THE LOWEST RANKED PLAN ONE POINT AND THE HIGHEST RANKED PLAN A POINT VALUE EQUAL TO THE NUMBER OF PLANS SUBMITTED.

(III) THE COMMISSION SHALL ADOPT THE PLAN RECEIVING THE HIGHEST TOTAL POINTS, THAT IS ALSO RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS NOT AFFILIATED WITH THE PARTY OF THE COMMISSIONER SUBMITTING THE PLAN, OR IN THE CASE OF A PLAN SUBMITTED BY NON-AFFILIATED COMMISSIONERS, IS RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS AFFILIATED WITH A MAJOR PARTY. IF PLANS ARE TIED FOR THE HIGHEST POINT TOTAL, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM THOSE PLANS. IF NO PLAN MEETS THE REQUIREMENTS OF THIS SUBPARAGRAPH, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM AMONG ALL SUBMITTED PLANS PURSUANT TO PART (14)(C)(I).

(15) WITHIN 30 DAYS AFTER ADOPTING A PLAN, THE COMMISSION SHALL PUBLISH THE PLAN AND THE MATERIAL REPORTS, REFERENCE MATERIALS, AND DATA USED IN DRAWING IT, INCLUDING ANY PROGRAMMING INFORMATION USED TO PRODUCE AND TEST THE PLAN. THE PUBLISHED MATERIALS SHALL BE SUCH THAT AN INDEPENDENT PERSON IS ABLE TO REPLICATE THE CONCLUSION WITHOUT ANY MODIFICATION OF ANY OF THE PUBLISHED MATERIALS.

(16) FOR EACH ADOPTED PLAN, THE COMMISSION SHALL ISSUE A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECISIONS IN ACHIEVING COMPLIANCE WITH PLAN REQUIREMENTS AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION. A COMMISSIONER WHO VOTES AGAINST A REDISTRICTING PLAN MAY SUBMIT A DISSENTING REPORT WHICH SHALL BE ISSUED WITH THE COMMISSION'S REPORT.

(17) AN ADOPTED REDISTRICTING PLAN SHALL BECOME LAW 60 DAYS AFTER ITS PUBLICATION. THE SECRETARY OF STATE SHALL KEEP A PUBLIC RECORD OF ALL PROCEEDINGS OF THE COMMISSION AND SHALL PUBLISH AND DISTRIBUTE EACH PLAN AND REQUIRED DOCUMENTATION.

(18) THE TERMS OF THE COMMISSIONERS SHALL EXPIRE ONCE THE COMMISSION HAS COMPLETED ITS OBLIGATIONS FOR A CENSUS CYCLE BUT NOT BEFORE ANY JUDICIAL REVIEW OF THE REDISTRICTING PLAN IS COMPLETE.

(19) THE SUPREME COURT, IN THE EXERCISE OF ORIGINAL JURISDICTION, SHALL DIRECT THE SECRETARY OF STATE OR THE COMMISSION TO PERFORM THEIR RESPECTIVE DUTIES, MAY REVIEW A CHALLENGE TO ANY PLAN ADOPTED BY THE COMMISSION, AND SHALL REMAND A PLAN TO THE COMMISSION FOR FURTHER ACTION IF THE PLAN FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS CONSTITUTION, THE CONSTITUTION OF THE UNITED STATES OR SUPERSEDING FEDERAL LAW. IN NO EVENT SHALL ANY BODY, EXCEPT THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION ACTING PURSUANT TO THIS SECTION, PROMULGATE AND ADOPT A REDISTRICTING PLAN OR PLANS FOR THIS STATE.

(20) THIS SECTION IS SELF-EXECUTING. IF A FINAL COURT DECISION HOLDS ANY PART OR PARTS OF THIS SECTION TO BE IN CONFLICT WITH THE UNITED STATES CONSTITUTION OR FEDERAL LAW, THE SECTION SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE UNITED STATES CONSTITUTION AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID IS SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

(21) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO EMPLOYER SHALL DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE AGAINST ANY EMPLOYEE BECAUSE OF THE EMPLOYEE'S MEMBERSHIP ON THE COMMISSION OR ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

(22) 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 2, 3 AND 6 AND ARTICLE V, SECTION 2, INCLUDING THIS PROVISION, FOR PURPOSES OF INTERPRETING THIS CONSTITUTIONAL AMENDMENT THE PEOPLE DECLARE THAT THE POWERS GRANTED TO THE COMMISSION ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE LEGISLATURE, 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 LEGISLATURE. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN THIS SECTION.

~~A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.~~

~~No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.~~

~~The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.~~

~~The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.~~

~~Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.~~

~~Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.~~

~~If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.~~

~~Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.~~

The proposal, if adopted, would add the following provision to the end of Article V, §2.

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 2, 3 AND 6 AND ARTICLE V, SECTION 2, 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.

Provisions of existing Constitution altered or abrogated by the proposal if adopted.

Article IV – Legislative Branch

§1 Legislative power

Sec. 1. Legislative power. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 6 Commission on legislative apportionment

A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Article V – Executive Branch

§1 Executive power

Sec. 1. 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.

Article VI – Judicial Branch

§ 1 Judicial power in court of justice; divisions.

Sec. 1. 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. 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.

Malerman, Melissa (MDOS)

From: James Lancaster <lancaster-law@comcast.net>
Sent: Sunday, July 23, 2017 2:33 PM
To: Malerman, Melissa (MDOS)
Cc: Katie Fahey
Subject: Voters Not Politicians
Attachments: 07.21.17 Voters Not Politician Proposal for Petition in 8.5 x 14 format.pdf; 07.21.17 Voters Not Politicians Petition in 17 x 28 format front panel.pdf; 07.21.17 Voters Not Politicians Petition in 17 x 28 format back panel.pdf

Melissa:

Attached please find a revised version of our petition. It has two minor changes.

First, we have revised our proposed Article IV, Section 6(1)(D) to delete a portion of the language. This should not impact any abrogation issues.

Second, we are republishing Article V, Section 4. You and I have talked about, and corresponded about this issue on several occasions, so I am assuming this is no surprise, and therefore should not delay your office's review (as I assume you are already in the process of analyzing this issue).

There will be no further changes pending your review.

If you have any questions, or updates on the progress of your review, please do not hesitate to contact me.

And as I have offered before, if there is an opportunity to meet and discuss your office's concerns regarding the abrogation issues presented by our proposal, I will make myself available at your convenience.

Jim

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

The proposal, if adopted, would amend Article IV, Sections 2, 3 and 6, as follows (new language capitalized, deleted language struck out with a line):

Article IV – Legislative Branch

§ 2 Senators, number, term

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

~~In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.~~

~~In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:~~

~~(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.~~

~~(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.~~

~~(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.~~

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. ~~The districts shall consist of compact and convenient territory contiguous by land.~~

~~Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.~~

~~After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.~~

~~Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:~~

~~(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.~~

~~(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.~~

~~Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.~~

§ 6 INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS. ~~Commission on legislative apportionment.~~

Sec. 6.

(1) AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS (HEREINAFTER, THE "COMMISSION") IS HEREBY ESTABLISHED AS A PERMANENT COMMISSION IN THE LEGISLATIVE BRANCH. THE COMMISSION SHALL CONSIST OF 13 COMMISSIONERS. THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS. EACH COMMISSIONER SHALL:

(A) BE REGISTERED AND ELIGIBLE TO VOTE IN THE STATE OF MICHIGAN;

(B) NOT CURRENTLY BE OR IN THE PAST 6 YEARS HAVE BEEN ANY OF THE FOLLOWING:

(I) A CANDIDATE FOR PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(II) AN ELECTED OFFICIAL TO PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(III) AN OFFICER OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(IV) A PRECINCT DELEGATE OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(V) A MEMBER OF THE LEADERSHIP BODY OF ANY NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(VI) A CONSULTANT OR EMPLOYEE OF A FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL OR POLITICAL CANDIDATE, OF A FEDERAL, STATE, OR LOCAL POLITICAL CANDIDATE'S CAMPAIGN, OR OF A POLITICAL ACTION COMMITTEE OR LIKE ORGANIZATION;

(VII) AN EMPLOYEE OF THE LEGISLATURE OR STATEWIDE ELECTED OFFICIAL;

(VIII) A REGISTERED LOBBYIST OR AN EMPLOYEE OF A REGISTERED LOBBYIST; OR

(IX) AN UNCLASSIFIED EMPLOYEE OF THE STATE OF MICHIGAN;

(C) NOT BE RELATED TO ANY INDIVIDUAL DISQUALIFIED UNDER PART (1)(B) OF THIS SECTION BY TWO OR FEWER DEGREES OF CONSANGUINITY OR BY THREE OR FEWER DEGREES OF AFFINITY; OR

(D) NOT BE OTHERWISE DISQUALIFIED FOR APPOINTED OR ELECTED OFFICE BY THIS CONSTITUTION.

(E) FOR FIVE YEARS AFTER THE DATE OF APPOINTMENT, A COMMISSIONER IS INELIGIBLE TO HOLD A PARTISAN ELECTIVE OFFICE AT THE STATE, COUNTY, CITY, VILLAGE, OR TOWNSHIP LEVEL IN MICHIGAN.

(2) COMMISSIONERS SHALL BE SELECTED THROUGH THE FOLLOWING PROCESS:

(A) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

(I) MAKE APPLICATIONS FOR COMMISSIONER AVAILABLE TO THE GENERAL PUBLIC NOT LATER THAN JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS. THE SECRETARY OF STATE SHALL CIRCULATE THE APPLICATIONS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION FROM DIFFERENT REGIONS OF THE STATE. THE SECRETARY OF STATE SHALL ALSO MAIL APPLICATIONS FOR COMMISSIONER TO TEN THOUSAND MICHIGAN REGISTERED VOTERS, SELECTED AT RANDOM, BY JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(II) REQUIRE APPLICANTS TO PROVIDE A COMPLETED APPLICATION, HIS OR HER RESUME AND CONTACT INFORMATION FOR AT LEAST TWO SUPPORTING REFERENCES.

(III) REQUIRE APPLICANTS TO ATTEST THAT:

(A) THEY MEET THE QUALIFICATIONS SET FORTH IN THIS SECTION; AND

(B) (1) EITHER THAT THEY AFFILIATE WITH ONE OF THE TWO POLITICAL PARTIES WITH THE LARGEST REPRESENTATION IN THE LEGISLATURE (HEREINAFTER, "MAJOR PARTIES"), AND IF SO, IDENTIFY THE PARTY WITH WHICH THEY AFFILIATE; OR (2) THAT THEY DO NOT AFFILIATE WITH EITHER OF THE MAJOR PARTIES.

(B) SUBJECT TO PART (2)(C) OF THIS SECTION, THE SECRETARY OF STATE SHALL MAIL ADDITIONAL APPLICATIONS FOR COMMISSIONER TO MICHIGAN REGISTERED VOTERS SELECTED AT RANDOM UNTIL 30 QUALIFYING APPLICANTS THAT AFFILIATE WITH ONE OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, 30 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY AFFILIATE WITH THE OTHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, AND 40 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY DO NOT AFFILIATE WITH EITHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, EACH IN RESPONSE TO THE MAILINGS.

(C) THE SECRETARY OF STATE SHALL ACCEPT APPLICATIONS FOR COMMISSIONER UNTIL JUNE 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(D) BY JULY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, FROM ALL OF THE APPLICATIONS SUBMITTED, THE SECRETARY OF STATE SHALL:

(I) ELIMINATE INCOMPLETE APPLICATIONS AND APPLICANTS WHO DO NOT MEET THE QUALIFICATIONS IN PARTS (1)(A) THROUGH (1)(D) OF THIS SECTION;

(II) RANDOMLY SELECT 60 APPLICANTS FROM EACH POOL OF AFFILIATING APPLICANTS AND 80 APPLICANTS FROM THE POOL OF NON-AFFILIATING APPLICANTS. 50% OF EACH POOL SHALL BE POPULATED FROM THE QUALIFYING APPLICANTS TO SUCH POOL WHO RETURNED AN APPLICATION MAILED PURSUANT TO PART 2(A) OR 2(B) OF THIS SECTION, PROVIDED, THAT IF FEWER THAN 30 QUALIFYING APPLICANTS AFFILIATED WITH A MAJOR PARTY OR FEWER THAN 40 QUALIFYING NON-AFFILIATING APPLICANTS HAVE APPLIED TO SERVE ON THE COMMISSION IN RESPONSE TO THE RANDOM MAILING, THE BALANCE OF THE POOL SHALL BE POPULATED FROM THE BALANCE OF QUALIFYING APPLICANTS TO THAT POOL. THE RANDOM SELECTION PROCESS USED BY THE SECRETARY OF STATE TO FILL THE SELECTION POOLS SHALL USE ACCEPTED STATISTICAL WEIGHTING METHODS TO ENSURE THAT THE POOLS, AS CLOSELY AS POSSIBLE, MIRROR THE GEOGRAPHIC AND DEMOGRAPHIC MAKEUP OF THE STATE; AND

(III) SUBMIT THE RANDOMLY-SELECTED APPLICATIONS TO THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(E) BY AUGUST 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE MAJORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY EACH STRIKE FIVE APPLICANTS FROM ANY POOL OR POOLS, UP TO A MAXIMUM OF 20 TOTAL STRIKES BY THE FOUR LEGISLATIVE LEADERS.

(F) BY SEPTEMBER 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE SECRETARY OF STATE SHALL RANDOMLY DRAW THE NAMES OF FOUR COMMISSIONERS FROM EACH OF THE TWO POOLS OF REMAINING APPLICANTS AFFILIATING WITH A MAJOR PARTY, AND FIVE COMMISSIONERS FROM THE POOL OF REMAINING NON-AFFILIATING APPLICANTS.

(3) EXCEPT AS PROVIDED BELOW, COMMISSIONERS SHALL HOLD OFFICE FOR THE TERM SET FORTH IN PART (18) OF THIS SECTION. IF A COMMISSIONER'S SEAT BECOMES VACANT FOR ANY REASON, THE SECRETARY OF STATE SHALL FILL THE

VACANCY BY RANDOMLY DRAWING A NAME FROM THE REMAINING QUALIFYING APPLICANTS IN THE SELECTION POOL FROM WHICH THE ORIGINAL COMMISSIONER WAS SELECTED. A COMMISSIONER'S OFFICE SHALL BECOME VACANT UPON THE OCCURRENCE OF ANY OF THE FOLLOWING:

- (A) DEATH OR MENTAL INCAPACITY OF THE COMMISSIONER;
- (B) THE SECRETARY OF STATE'S RECEIPT OF THE COMMISSIONER'S WRITTEN RESIGNATION;
- (C) THE COMMISSIONER'S DISQUALIFICATION FOR ELECTION OR APPOINTMENT OR EMPLOYMENT PURSUANT TO ARTICLE XI, SECTION 8;
- (D) THE COMMISSIONER CEASES TO BE QUALIFIED TO SERVE AS A COMMISSIONER UNDER PART (1) OF THIS SECTION; OR
- (E) AFTER WRITTEN NOTICE AND AN OPPORTUNITY FOR THE COMMISSIONER TO RESPOND, A VOTE OF 10 OF THE COMMISSIONERS FINDING SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE.

(4) THE SECRETARY OF STATE SHALL BE SECRETARY OF THE COMMISSION WITHOUT VOTE, AND IN THAT CAPACITY SHALL FURNISH, UNDER THE DIRECTION OF THE COMMISSION, ALL TECHNICAL SERVICES THAT THE COMMISSION DEEMS NECESSARY. THE COMMISSION SHALL ELECT ITS OWN CHAIRPERSON. THE COMMISSION HAS THE SOLE POWER TO MAKE ITS OWN RULES OF PROCEDURE. THE COMMISSION SHALL HAVE PROCUREMENT AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS FOR THE PURPOSES OF THIS SECTION, INCLUDING LEGAL REPRESENTATION.

(5) BEGINNING NO LATER THAN DECEMBER 1 OF THE YEAR PRECEDING THE FEDERAL DECENNIAL CENSUS, AND CONTINUING EACH YEAR IN WHICH THE COMMISSION OPERATES, THE LEGISLATURE SHALL APPROPRIATE FUNDS SUFFICIENT TO COMPENSATE THE COMMISSIONERS AND TO ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS, OPERATIONS AND ACTIVITIES, WHICH ACTIVITIES INCLUDE RETAINING INDEPENDENT, NONPARTISAN SUBJECT-MATTER EXPERTS AND LEGAL COUNSEL, CONDUCTING HEARINGS, PUBLISHING NOTICES AND MAINTAINING A RECORD OF THE COMMISSION'S PROCEEDINGS, AND ANY OTHER ACTIVITY NECESSARY FOR THE COMMISSION TO CONDUCT ITS BUSINESS, AT AN AMOUNT EQUAL TO NOT LESS THAN 25 PERCENT OF THE GENERAL FUND/GENERAL PURPOSE BUDGET FOR THE SECRETARY OF STATE FOR THAT FISCAL YEAR. WITHIN SIX MONTHS AFTER THE CONCLUSION OF EACH FISCAL YEAR, THE COMMISSION SHALL RETURN TO THE STATE TREASURY ALL MONEYS UNEXPENDED FOR THAT FISCAL YEAR. THE COMMISSION SHALL FURNISH REPORTS OF EXPENDITURES, AT LEAST ANNUALLY, TO THE GOVERNOR AND THE LEGISLATURE AND SHALL BE SUBJECT TO ANNUAL AUDIT AS PROVIDED BY LAW. EACH COMMISSIONER SHALL RECEIVE COMPENSATION AT LEAST EQUAL TO 25 PERCENT OF THE GOVERNOR'S SALARY. THE STATE OF MICHIGAN SHALL INDEMNIFY COMMISSIONERS FOR COSTS INCURRED IF THE LEGISLATURE DOES NOT APPROPRIATE SUFFICIENT FUNDS TO COVER SUCH COSTS.

(6) THE COMMISSION SHALL HAVE LEGAL STANDING TO PROSECUTE AN ACTION REGARDING THE ADEQUACY OF RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION, AND TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN. THE COMMISSION SHALL INFORM THE LEGISLATURE IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR OPERATION OF THE COMMISSION ARE NOT ADEQUATE. THE LEGISLATURE SHALL PROVIDE ADEQUATE FUNDING TO ALLOW THE COMMISSION TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN.

(7) THE SECRETARY OF STATE SHALL ISSUE A CALL CONVENING THE COMMISSION BY OCTOBER 15 IN THE YEAR OF THE FEDERAL DECENNIAL CENSUS. NOT LATER THAN NOVEMBER 1 IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS, THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN UNDER THIS SECTION FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS.

(8) BEFORE COMMISSIONERS DRAFT ANY PLAN, THE COMMISSION SHALL HOLD AT LEAST TEN PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF INFORMING THE PUBLIC ABOUT THE REDISTRICTING PROCESS AND THE PURPOSE AND RESPONSIBILITIES OF THE COMMISSION AND SOLICITING INFORMATION FROM THE PUBLIC ABOUT POTENTIAL PLANS. THE COMMISSION SHALL RECEIVE FOR CONSIDERATION WRITTEN SUBMISSIONS OF PROPOSED REDISTRICTING PLANS AND ANY SUPPORTING MATERIALS, INCLUDING UNDERLYING DATA, FROM ANY MEMBER OF THE PUBLIC. THESE WRITTEN SUBMISSIONS ARE PUBLIC RECORDS.

(9) AFTER DEVELOPING AT LEAST ONE PROPOSED REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT, THE COMMISSION SHALL PUBLISH THE PROPOSED REDISTRICTING PLANS AND ANY DATA AND SUPPORTING MATERIALS USED TO DEVELOP THE PLANS. EACH COMMISSIONER MAY ONLY PROPOSE ONE REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT. THE COMMISSION SHALL HOLD AT LEAST FIVE PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF SOLICITING COMMENT FROM THE PUBLIC ABOUT THE PROPOSED PLANS. EACH OF THE PROPOSED PLANS SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND A MAP AND LEGAL DESCRIPTION THAT INCLUDE THE POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNSHIPS; MAN-MADE FEATURES, SUCH AS STREETS, ROADS, HIGHWAYS, AND RAILROADS; AND NATURAL FEATURES, SUCH AS WATERWAYS, WHICH FORM THE BOUNDARIES OF THE DISTRICTS.

(10) EACH COMMISSIONER SHALL PERFORM HIS OR HER DUTIES IN A MANNER THAT IS IMPARTIAL AND REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS. THE COMMISSION SHALL CONDUCT ALL OF ITS BUSINESS AT OPEN MEETINGS. NINE COMMISSIONERS, INCLUDING AT LEAST ONE COMMISSIONER FROM EACH SELECTION POOL SHALL CONSTITUTE A QUORUM, AND ALL MEETINGS SHALL REQUIRE A QUORUM. THE COMMISSION SHALL PROVIDE ADVANCE PUBLIC NOTICE OF ITS MEETINGS AND HEARINGS. THE COMMISSION SHALL CONDUCT ITS HEARINGS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION THROUGHOUT THE STATE. THE COMMISSION SHALL USE TECHNOLOGY TO PROVIDE CONTEMPORANEOUS PUBLIC OBSERVATION AND MEANINGFUL PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS DURING ALL MEETINGS AND HEARINGS.

(11) THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, AND CONSULTANTS SHALL NOT DISCUSS REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC OUTSIDE OF AN OPEN MEETING OF THE COMMISSION, EXCEPT THAT A COMMISSIONER MAY COMMUNICATE ABOUT REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC TO GAIN INFORMATION RELEVANT TO THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH COMMUNICATION OCCURS (A) IN WRITING OR (B) AT A PREVIOUSLY PUBLICLY NOTICED FORUM OR TOWN HALL OPEN TO THE GENERAL PUBLIC.

THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, EXPERTS, AND CONSULTANTS MAY NOT DIRECTLY OR INDIRECTLY SOLICIT OR ACCEPT ANY GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE GREATER THAN \$20 FOR THE BENEFIT OF ANY PERSON OR ORGANIZATION, WHICH MAY INFLUENCE THE MANNER IN WHICH THE COMMISSIONER, STAFF, ATTORNEY, EXPERT, OR CONSULTANT PERFORMS HIS OR HER DUTIES.

(12) EXCEPT AS PROVIDED IN PART (14) OF THIS SECTION, A FINAL DECISION OF THE COMMISSION REQUIRES THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS. A DECISION ON THE DISMISSAL OR RETENTION OF PAID STAFF OR CONSULTANTS REQUIRES THE VOTE OF AT LEAST ONE COMMISSIONER AFFILIATING WITH EACH OF THE MAJOR PARTIES AND ONE NON-AFFILIATING COMMISSIONER. ALL DECISIONS OF THE COMMISSION SHALL BE RECORDED, AND THE RECORD OF ITS DECISIONS SHALL BE READILY AVAILABLE TO ANY MEMBER OF THE PUBLIC WITHOUT CHARGE.

(13) THE COMMISSION SHALL ABIDE BY THE FOLLOWING CRITERIA IN PROPOSING AND ADOPTING EACH PLAN, IN ORDER OF PRIORITY:

(A) DISTRICTS SHALL BE OF EQUAL POPULATION AS MANDATED BY THE UNITED STATES CONSTITUTION, AND SHALL COMPLY WITH THE VOTING RIGHTS ACT AND OTHER FEDERAL LAWS.

(B) DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS.

(C) DISTRICTS SHALL REFLECT THE STATE'S DIVERSE POPULATION AND COMMUNITIES OF INTEREST. COMMUNITIES OF INTEREST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, POPULATIONS THAT SHARE CULTURAL OR HISTORICAL CHARACTERISTICS OR ECONOMIC INTERESTS. COMMUNITIES OF INTEREST DO NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.

(D) DISTRICTS SHALL NOT PROVIDE A DISPROPORTIONATE ADVANTAGE TO ANY POLITICAL PARTY. A DISPROPORTIONATE ADVANTAGE TO A POLITICAL PARTY SHALL BE DETERMINED USING ACCEPTED MEASURES OF PARTISAN FAIRNESS.

(E) DISTRICTS SHALL NOT FAVOR OR DISFAVOR AN INCUMBENT ELECTED OFFICIAL OR A CANDIDATE.

(F) DISTRICTS SHALL REFLECT CONSIDERATION OF COUNTY, CITY, AND TOWNSHIP BOUNDARIES.

(G) DISTRICTS SHALL BE REASONABLY COMPACT.

(14) THE COMMISSION SHALL FOLLOW THE FOLLOWING PROCEDURE IN ADOPTING A PLAN:

(A) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL ENSURE THAT THE PLAN IS TESTED, USING APPROPRIATE TECHNOLOGY, FOR COMPLIANCE WITH THE CRITERIA DESCRIBED ABOVE.

(B) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF EACH PLAN THAT WILL BE VOTED ON AND PROVIDE AT LEAST 45 DAYS FOR PUBLIC COMMENT ON THE PROPOSED PLAN OR PLANS. EACH PLAN THAT WILL BE VOTED ON SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION.

(C) A FINAL DECISION OF THE COMMISSION TO ADOPT A REDISTRICTING PLAN REQUIRES A MAJORITY VOTE OF THE COMMISSION, INCLUDING AT LEAST TWO COMMISSIONERS WHO AFFILIATE WITH EACH MAJOR PARTY, AND AT LEAST TWO COMMISSIONERS WHO DO NOT AFFILIATE WITH EITHER MAJOR PARTY. IF NO PLAN SATISFIES THIS REQUIREMENT FOR A TYPE OF DISTRICT, THE COMMISSION SHALL USE THE FOLLOWING PROCEDURE TO ADOPT A PLAN FOR THAT TYPE OF DISTRICT:

(I) EACH COMMISSIONER MAY SUBMIT ONE PROPOSED PLAN FOR EACH TYPE OF DISTRICT TO THE FULL COMMISSION FOR CONSIDERATION.

(II) EACH COMMISSIONER SHALL RANK THE PLANS SUBMITTED ACCORDING TO PREFERENCE. EACH PLAN SHALL BE ASSIGNED A POINT VALUE INVERSE TO ITS RANKING AMONG THE NUMBER OF CHOICES, GIVING THE LOWEST RANKED PLAN ONE POINT AND THE HIGHEST RANKED PLAN A POINT VALUE EQUAL TO THE NUMBER OF PLANS SUBMITTED.

(III) THE COMMISSION SHALL ADOPT THE PLAN RECEIVING THE HIGHEST TOTAL POINTS, THAT IS ALSO RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS NOT AFFILIATED WITH THE PARTY OF THE COMMISSIONER SUBMITTING THE PLAN, OR IN THE CASE OF A PLAN SUBMITTED BY NON-AFFILIATED COMMISSIONERS, IS RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS AFFILIATED WITH A MAJOR PARTY. IF PLANS ARE TIED FOR THE HIGHEST POINT TOTAL, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM THOSE PLANS. IF NO PLAN MEETS THE REQUIREMENTS OF THIS SUBPARAGRAPH, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM AMONG ALL SUBMITTED PLANS PURSUANT TO PART (14)(C)(I).

(15) WITHIN 30 DAYS AFTER ADOPTING A PLAN, THE COMMISSION SHALL PUBLISH THE PLAN AND THE MATERIAL REPORTS, REFERENCE MATERIALS, AND DATA USED IN DRAWING IT, INCLUDING ANY PROGRAMMING INFORMATION USED TO PRODUCE AND TEST THE PLAN. THE PUBLISHED MATERIALS SHALL BE SUCH THAT AN INDEPENDENT PERSON IS ABLE TO REPLICATE THE CONCLUSION WITHOUT ANY MODIFICATION OF ANY OF THE PUBLISHED MATERIALS.

(16) FOR EACH ADOPTED PLAN, THE COMMISSION SHALL ISSUE A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECISIONS IN ACHIEVING COMPLIANCE WITH PLAN REQUIREMENTS AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION. A COMMISSIONER WHO VOTES AGAINST A REDISTRICTING PLAN MAY SUBMIT A DISSENTING REPORT WHICH SHALL BE ISSUED WITH THE COMMISSION'S REPORT.

(17) AN ADOPTED REDISTRICTING PLAN SHALL BECOME LAW 60 DAYS AFTER ITS PUBLICATION. THE SECRETARY OF STATE SHALL KEEP A PUBLIC RECORD OF ALL PROCEEDINGS OF THE COMMISSION AND SHALL PUBLISH AND DISTRIBUTE EACH PLAN AND REQUIRED DOCUMENTATION.

(18) THE TERMS OF THE COMMISSIONERS SHALL EXPIRE ONCE THE COMMISSION HAS COMPLETED ITS OBLIGATIONS FOR A CENSUS CYCLE BUT NOT BEFORE ANY JUDICIAL REVIEW OF THE REDISTRICTING PLAN IS COMPLETE.

(19) THE SUPREME COURT, IN THE EXERCISE OF ORIGINAL JURISDICTION, SHALL DIRECT THE SECRETARY OF STATE OR THE COMMISSION TO PERFORM THEIR RESPECTIVE DUTIES. MAY REVIEW A CHALLENGE TO ANY PLAN ADOPTED BY THE COMMISSION, AND SHALL REMAND A PLAN TO THE COMMISSION FOR FURTHER ACTION IF THE PLAN FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS CONSTITUTION, THE CONSTITUTION OF THE UNITED STATES OR SUPERSEDING FEDERAL LAW. IN NO EVENT SHALL ANY BODY, EXCEPT THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION ACTING PURSUANT TO THIS SECTION, PROMULGATE AND ADOPT A REDISTRICTING PLAN OR PLANS FOR THIS STATE.

(20) THIS SECTION IS SELF-EXECUTING. IF A FINAL COURT DECISION HOLDS ANY PART OR PARTS OF THIS SECTION TO BE IN CONFLICT WITH THE UNITED STATES CONSTITUTION OR FEDERAL LAW, THE SECTION SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE UNITED STATES CONSTITUTION AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID IS SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

(21) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO EMPLOYER SHALL DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE AGAINST ANY EMPLOYEE BECAUSE OF THE EMPLOYEE'S MEMBERSHIP ON THE COMMISSION OR ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

(22) 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 2, 3 AND 6 AND ARTICLE V, SECTION 2, INCLUDING THIS PROVISION, FOR PURPOSES OF INTERPRETING THIS CONSTITUTIONAL AMENDMENT THE PEOPLE DECLARE THAT THE POWERS GRANTED TO THE COMMISSION ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE LEGISLATURE, 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 LEGISLATURE. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN THIS SECTION.

~~A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.~~

~~No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.~~

~~The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.~~

~~The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.~~

~~Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.~~

~~Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.~~

~~If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.~~

~~Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.~~

The proposal, if adopted, would add the following provision to the end of Article V, §2.

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 2, 3 AND 6 AND ARTICLE V, SECTION 2, 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.

Provisions of existing Constitution altered or abrogated by the proposal if adopted.

Article IV – Legislative Branch

§1 Legislative power

Sec. 1. Legislative power. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 6 Commission on legislative apportionment

A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Article V – Executive Branch

§1 Executive power

Sec. 1. 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.

§ 4 Commissions or agencies for less than 2 years.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Article VI – Judicial Branch

§ 1 Judicial power in court of justice; divisions.

Sec. 1. 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. 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.

Malerman, Melissa (MDOS)

From: James Lancaster <lancaster-law@comcast.net>
Sent: Thursday, July 27, 2017 11:56 AM
To: Malerman, Melissa (MDOS)
Cc: Katie Fahey; Williams, Sally (MDOS); Bourbonais, Lori (MDOS)
Subject: RE: Voters Not Politicians
Attachments: 07.27.17 Voters Not Politicians Proposal in 8.5 x 14 format.pdf

Melissa: Attached is a revised version of the proposal. If you are in the office today, I trust that Sally and Lori shared with you that I met with them yesterday, and they addressed the question I had posed to you about Article 5, Section 2. The proposal has been changed to reflect that discussion.

Do you have any further info on when the BSC meeting is likely to occur. I ask this for personal reasons as I am trying to schedule some matters for other clients, and for some personal issues including some vacation time, while keeping my schedule as wide open as possible. If I am going to need to come back to Lansing from vacation, I want to break it to my the boss (my wife) sooner rather than later....and as gently as possible.

Also, please let me know about whether we are meeting on Friday as soon as you can.

Jim.

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

On July 25, 2017 at 12:29 PM James Lancaster <lancaster-law@comcast.net> wrote:

Melissa: I apologize for the delay in getting back to you. I was on vacation yesterday, and didn't get back in town until early this morning.

With respect to the change re Article 5, Section 2, am I correct in understanding that we need to republish the existing language both on page 5, and at the end on page 7? It's not a problem, I just want to make sure I am understanding what you are asking for.

We will of course make the other two changes you pointed out.

I can be available any time Friday afternoon that it is convenient for you.

However, if there is any opportunity to do it sooner that would be welcome.

Jim.

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

On July 24, 2017 at 11:49 AM "Malerman, Melissa (MDOS)"
<malermanm@michigan.gov> wrote:

Thank you for sending your revision. Please note that the following are in need of correction:

1. As a reminder/follow up to my email from Friday (7/21), you are required to make a change to the body of the petition. You cannot amend Art V §2 by reference, by adding new language "to the end of Article V, §2." You must include the full text of that provision with your proposed language shown at the end (see p. 5).
2. There is a typo on p. 7 ("unctions").
3. The indentation of subsection (2)(c) of Art IV §4 does not match the rest of the petition. Please correct.

We expect that we will be able to discuss the abrogation issue with you on Friday (7/28). What time might you be available to come over to our office in the afternoon? If you prefer, we can arrange to discuss by phone – just let me know.

From: James Lancaster [<mailto:lancaster-law@comcast.net>]
Sent: Sunday, July 23, 2017 2:33 PM
To: Malerman, Melissa (MDOS)
Cc: Katie Fahey
Subject: Voters Not Politicians

Melissa:

Attached please find a revised version of our petition. It has two minor changes.

First, we have revised our proposed Article IV, Section 6(1)(D) to delete a portion of the language. This should not impact any abrogation issues.

Second, we are republishing Article V, Section 4. You and I have talked about, and corresponded about this issue on several occasions, so I am assuming this is no surprise, and therefore should not delay your office's review (as I assume you are already in the process of analyzing this issue).

There will be no further changes pending your review.

If you have any questions, or updates on the progress of your review, please do not hesitate to contact me.

And as I have offered before, if there is an opportunity to meet and discuss your office's concerns regarding the abrogation issues presented by our proposal, I will make myself available at your convenience.

Jim

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

The proposal, if adopted, would amend Article IV, Sections 2, 3 and 6 and Article V, Section 2, as follows (new language capitalized, deleted language struck out with a line):

Article IV – Legislative Branch

§ 2 Senators, number, term

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

~~In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.~~

~~In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:~~

~~(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.~~

~~(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.~~

~~(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.~~

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. ~~The districts shall consist of compact and convenient territory contiguous by land.~~

~~Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.~~

~~After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.~~

~~Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:~~

~~(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.~~

~~(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.~~

~~Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.~~

§ 6 INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS. ~~Commission on legislative apportionment.~~

Sec. 6.

(1) AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS (HEREINAFTER, THE "COMMISSION") IS HEREBY ESTABLISHED AS A PERMANENT COMMISSION IN THE LEGISLATIVE BRANCH. THE COMMISSION SHALL CONSIST OF 13 COMMISSIONERS. THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS. EACH COMMISSIONER SHALL:

(A) BE REGISTERED AND ELIGIBLE TO VOTE IN THE STATE OF MICHIGAN;

(B) NOT CURRENTLY BE OR IN THE PAST 6 YEARS HAVE BEEN ANY OF THE FOLLOWING:

(I) A CANDIDATE FOR PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(II) AN ELECTED OFFICIAL TO PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(III) AN OFFICER OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(IV) A PRECINCT DELEGATE OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(V) A MEMBER OF THE LEADERSHIP BODY OF ANY NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(VI) A CONSULTANT OR EMPLOYEE OF A FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL OR POLITICAL CANDIDATE, OF A FEDERAL, STATE, OR LOCAL POLITICAL CANDIDATE'S CAMPAIGN, OR OF A POLITICAL ACTION COMMITTEE OR LIKE ORGANIZATION;

(VII) AN EMPLOYEE OF THE LEGISLATURE OR STATEWIDE ELECTED OFFICIAL;

(VIII) A REGISTERED LOBBYIST OR AN EMPLOYEE OF A REGISTERED LOBBYIST; OR

(IX) AN UNCLASSIFIED EMPLOYEE OF THE STATE OF MICHIGAN;

(C) NOT BE RELATED TO ANY INDIVIDUAL DISQUALIFIED UNDER PART (1)(B) OF THIS SECTION BY TWO OR FEWER DEGREES OF CONSANGUINITY OR BY THREE OR FEWER DEGREES OF AFFINITY; OR

(D) NOT BE OTHERWISE DISQUALIFIED FOR APPOINTED OR ELECTED OFFICE BY THIS CONSTITUTION.

(E) FOR FIVE YEARS AFTER THE DATE OF APPOINTMENT, A COMMISSIONER IS INELIGIBLE TO HOLD A PARTISAN ELECTIVE OFFICE AT THE STATE, COUNTY, CITY, VILLAGE, OR TOWNSHIP LEVEL IN MICHIGAN.

(2) COMMISSIONERS SHALL BE SELECTED THROUGH THE FOLLOWING PROCESS:

(A) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

(I) MAKE APPLICATIONS FOR COMMISSIONER AVAILABLE TO THE GENERAL PUBLIC NOT LATER THAN JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS. THE SECRETARY OF STATE SHALL CIRCULATE THE APPLICATIONS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION FROM DIFFERENT REGIONS OF THE STATE. THE SECRETARY OF STATE SHALL ALSO MAIL APPLICATIONS FOR COMMISSIONER TO TEN THOUSAND MICHIGAN REGISTERED VOTERS, SELECTED AT RANDOM, BY JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(II) REQUIRE APPLICANTS TO PROVIDE A COMPLETED APPLICATION, HIS OR HER RESUME AND CONTACT INFORMATION FOR AT LEAST TWO SUPPORTING REFERENCES.

(III) REQUIRE APPLICANTS TO ATTEST THAT:

(A) THEY MEET THE QUALIFICATIONS SET FORTH IN THIS SECTION; AND

(B) (1) EITHER THAT THEY AFFILIATE WITH ONE OF THE TWO POLITICAL PARTIES WITH THE LARGEST REPRESENTATION IN THE LEGISLATURE (HEREINAFTER, "MAJOR PARTIES"), AND IF SO, IDENTIFY THE PARTY WITH WHICH THEY AFFILIATE; OR (2) THAT THEY DO NOT AFFILIATE WITH EITHER OF THE MAJOR PARTIES.

(B) SUBJECT TO PART (2)(C) OF THIS SECTION, THE SECRETARY OF STATE SHALL MAIL ADDITIONAL APPLICATIONS FOR COMMISSIONER TO MICHIGAN REGISTERED VOTERS SELECTED AT RANDOM UNTIL 30 QUALIFYING APPLICANTS THAT AFFILIATE WITH ONE OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, 30 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY AFFILIATE WITH THE OTHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, AND 40 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY DO NOT AFFILIATE WITH EITHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, EACH IN RESPONSE TO THE MAILINGS.

(C) THE SECRETARY OF STATE SHALL ACCEPT APPLICATIONS FOR COMMISSIONER UNTIL JUNE 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(D) BY JULY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, FROM ALL OF THE APPLICATIONS SUBMITTED, THE SECRETARY OF STATE SHALL:

(I) ELIMINATE INCOMPLETE APPLICATIONS AND APPLICANTS WHO DO NOT MEET THE QUALIFICATIONS IN PARTS (1)(A) THROUGH (1)(D) OF THIS SECTION;

(II) RANDOMLY SELECT 60 APPLICANTS FROM EACH POOL OF AFFILIATING APPLICANTS AND 80 APPLICANTS FROM THE POOL OF NON-AFFILIATING APPLICANTS. 50% OF EACH POOL SHALL BE POPULATED FROM THE QUALIFYING APPLICANTS TO SUCH POOL WHO RETURNED AN APPLICATION MAILED PURSUANT TO PART 2(A) OR 2(B) OF THIS SECTION, PROVIDED, THAT IF FEWER THAN 30 QUALIFYING APPLICANTS AFFILIATED WITH A MAJOR PARTY OR FEWER THAN 40 QUALIFYING NON-AFFILIATING APPLICANTS HAVE APPLIED TO SERVE ON THE COMMISSION IN RESPONSE TO THE RANDOM MAILING, THE BALANCE OF THE POOL SHALL BE POPULATED FROM THE BALANCE OF QUALIFYING APPLICANTS TO THAT POOL. THE RANDOM SELECTION PROCESS USED BY THE SECRETARY OF STATE TO FILL THE SELECTION POOLS SHALL USE ACCEPTED STATISTICAL WEIGHTING METHODS TO ENSURE THAT THE POOLS, AS CLOSELY AS POSSIBLE, MIRROR THE GEOGRAPHIC AND DEMOGRAPHIC MAKEUP OF THE STATE; AND

(III) SUBMIT THE RANDOMLY-SELECTED APPLICATIONS TO THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(E) BY AUGUST 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE MAJORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY EACH STRIKE FIVE APPLICANTS FROM ANY POOL OR POOLS, UP TO A MAXIMUM OF 20 TOTAL STRIKES BY THE FOUR LEGISLATIVE LEADERS.

(F) BY SEPTEMBER 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE SECRETARY OF STATE SHALL RANDOMLY DRAW THE NAMES OF FOUR COMMISSIONERS FROM EACH OF THE TWO POOLS OF REMAINING APPLICANTS AFFILIATING WITH A MAJOR PARTY, AND FIVE COMMISSIONERS FROM THE POOL OF REMAINING NON-AFFILIATING APPLICANTS.

(3) EXCEPT AS PROVIDED BELOW, COMMISSIONERS SHALL HOLD OFFICE FOR THE TERM SET FORTH IN PART (18) OF THIS SECTION. IF A COMMISSIONER'S SEAT BECOMES VACANT FOR ANY REASON, THE SECRETARY OF STATE SHALL FILL THE

VACANCY BY RANDOMLY DRAWING A NAME FROM THE REMAINING QUALIFYING APPLICANTS IN THE SELECTION POOL FROM WHICH THE ORIGINAL COMMISSIONER WAS SELECTED. A COMMISSIONER'S OFFICE SHALL BECOME VACANT UPON THE OCCURRENCE OF ANY OF THE FOLLOWING:

(A) DEATH OR MENTAL INCAPACITY OF THE COMMISSIONER;

(B) THE SECRETARY OF STATE'S RECEIPT OF THE COMMISSIONER'S WRITTEN RESIGNATION;

(C) THE COMMISSIONER'S DISQUALIFICATION FOR ELECTION OR APPOINTMENT OR EMPLOYMENT PURSUANT TO ARTICLE XI, SECTION 8;

(D) THE COMMISSIONER CEASES TO BE QUALIFIED TO SERVE AS A COMMISSIONER UNDER PART (1) OF THIS SECTION; OR

(E) AFTER WRITTEN NOTICE AND AN OPPORTUNITY FOR THE COMMISSIONER TO RESPOND, A VOTE OF 10 OF THE COMMISSIONERS FINDING SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE.

(4) THE SECRETARY OF STATE SHALL BE SECRETARY OF THE COMMISSION WITHOUT VOTE, AND IN THAT CAPACITY SHALL FURNISH, UNDER THE DIRECTION OF THE COMMISSION, ALL TECHNICAL SERVICES THAT THE COMMISSION DEEMS NECESSARY. THE COMMISSION SHALL ELECT ITS OWN CHAIRPERSON. THE COMMISSION HAS THE SOLE POWER TO MAKE ITS OWN RULES OF PROCEDURE. THE COMMISSION SHALL HAVE PROCUREMENT AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS FOR THE PURPOSES OF THIS SECTION, INCLUDING LEGAL REPRESENTATION.

(5) BEGINNING NO LATER THAN DECEMBER 1 OF THE YEAR PRECEDING THE FEDERAL DECENNIAL CENSUS, AND CONTINUING EACH YEAR IN WHICH THE COMMISSION OPERATES, THE LEGISLATURE SHALL APPROPRIATE FUNDS SUFFICIENT TO COMPENSATE THE COMMISSIONERS AND TO ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS, OPERATIONS AND ACTIVITIES, WHICH ACTIVITIES INCLUDE RETAINING INDEPENDENT, NONPARTISAN SUBJECT-MATTER EXPERTS AND LEGAL COUNSEL, CONDUCTING HEARINGS, PUBLISHING NOTICES AND MAINTAINING A RECORD OF THE COMMISSION'S PROCEEDINGS, AND ANY OTHER ACTIVITY NECESSARY FOR THE COMMISSION TO CONDUCT ITS BUSINESS, AT AN AMOUNT EQUAL TO NOT LESS THAN 25 PERCENT OF THE GENERAL FUND/GENERAL PURPOSE BUDGET FOR THE SECRETARY OF STATE FOR THAT FISCAL YEAR. WITHIN SIX MONTHS AFTER THE CONCLUSION OF EACH FISCAL YEAR, THE COMMISSION SHALL RETURN TO THE STATE TREASURY ALL MONEYS UNEXPENDED FOR THAT FISCAL YEAR. THE COMMISSION SHALL FURNISH REPORTS OF EXPENDITURES, AT LEAST ANNUALLY, TO THE GOVERNOR AND THE LEGISLATURE AND SHALL BE SUBJECT TO ANNUAL AUDIT AS PROVIDED BY LAW. EACH COMMISSIONER SHALL RECEIVE COMPENSATION AT LEAST EQUAL TO 25 PERCENT OF THE GOVERNOR'S SALARY. THE STATE OF MICHIGAN SHALL INDEMNIFY COMMISSIONERS FOR COSTS INCURRED IF THE LEGISLATURE DOES NOT APPROPRIATE SUFFICIENT FUNDS TO COVER SUCH COSTS.

(6) THE COMMISSION SHALL HAVE LEGAL STANDING TO PROSECUTE AN ACTION REGARDING THE ADEQUACY OF RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION, AND TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN. THE COMMISSION SHALL INFORM THE LEGISLATURE IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR OPERATION OF THE COMMISSION ARE NOT ADEQUATE. THE LEGISLATURE SHALL PROVIDE ADEQUATE FUNDING TO ALLOW THE COMMISSION TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN.

(7) THE SECRETARY OF STATE SHALL ISSUE A CALL CONVENING THE COMMISSION BY OCTOBER 15 IN THE YEAR OF THE FEDERAL DECENNIAL CENSUS. NOT LATER THAN NOVEMBER 1 IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS, THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN UNDER THIS SECTION FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS.

(8) BEFORE COMMISSIONERS DRAFT ANY PLAN, THE COMMISSION SHALL HOLD AT LEAST TEN PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF INFORMING THE PUBLIC ABOUT THE REDISTRICTING PROCESS AND THE PURPOSE AND RESPONSIBILITIES OF THE COMMISSION AND SOLICITING INFORMATION FROM THE PUBLIC ABOUT POTENTIAL PLANS. THE COMMISSION SHALL RECEIVE FOR CONSIDERATION WRITTEN SUBMISSIONS OF PROPOSED REDISTRICTING PLANS AND ANY SUPPORTING MATERIALS, INCLUDING UNDERLYING DATA, FROM ANY MEMBER OF THE PUBLIC. THESE WRITTEN SUBMISSIONS ARE PUBLIC RECORDS.

(9) AFTER DEVELOPING AT LEAST ONE PROPOSED REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT, THE COMMISSION SHALL PUBLISH THE PROPOSED REDISTRICTING PLANS AND ANY DATA AND SUPPORTING MATERIALS USED TO DEVELOP THE PLANS. EACH COMMISSIONER MAY ONLY PROPOSE ONE REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT. THE COMMISSION SHALL HOLD AT LEAST FIVE PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF SOLICITING COMMENT FROM THE PUBLIC ABOUT THE PROPOSED PLANS. EACH OF THE PROPOSED PLANS SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND A MAP AND LEGAL DESCRIPTION THAT INCLUDE THE POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNSHIPS; MAN-MADE FEATURES, SUCH AS STREETS, ROADS, HIGHWAYS, AND RAILROADS; AND NATURAL FEATURES, SUCH AS WATERWAYS, WHICH FORM THE BOUNDARIES OF THE DISTRICTS.

(10) EACH COMMISSIONER SHALL PERFORM HIS OR HER DUTIES IN A MANNER THAT IS IMPARTIAL AND REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS. THE COMMISSION SHALL CONDUCT ALL OF ITS BUSINESS AT OPEN MEETINGS. NINE COMMISSIONERS, INCLUDING AT LEAST ONE COMMISSIONER FROM EACH SELECTION POOL SHALL CONSTITUTE A QUORUM, AND ALL MEETINGS SHALL REQUIRE A QUORUM. THE COMMISSION SHALL PROVIDE ADVANCE PUBLIC NOTICE OF ITS MEETINGS AND HEARINGS. THE COMMISSION SHALL CONDUCT ITS HEARINGS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION THROUGHOUT THE STATE. THE COMMISSION SHALL USE TECHNOLOGY TO PROVIDE CONTEMPORANEOUS PUBLIC OBSERVATION AND MEANINGFUL PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS DURING ALL MEETINGS AND HEARINGS.

(11) THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, AND CONSULTANTS SHALL NOT DISCUSS REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC OUTSIDE OF AN OPEN MEETING OF THE COMMISSION, EXCEPT THAT A COMMISSIONER MAY COMMUNICATE ABOUT REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC TO GAIN INFORMATION RELEVANT TO THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH COMMUNICATION OCCURS (A) IN WRITING OR (B) AT A PREVIOUSLY PUBLICLY NOTICED FORUM OR TOWN HALL OPEN TO THE GENERAL PUBLIC.

THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, EXPERTS, AND CONSULTANTS MAY NOT DIRECTLY OR INDIRECTLY SOLICIT OR ACCEPT ANY GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE GREATER THAN \$20 FOR THE BENEFIT OF ANY PERSON OR ORGANIZATION, WHICH MAY INFLUENCE THE MANNER IN WHICH THE COMMISSIONER, STAFF, ATTORNEY, EXPERT, OR CONSULTANT PERFORMS HIS OR HER DUTIES.

(12) EXCEPT AS PROVIDED IN PART (14) OF THIS SECTION, A FINAL DECISION OF THE COMMISSION REQUIRES THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS. A DECISION ON THE DISMISSAL OR RETENTION OF PAID STAFF OR CONSULTANTS REQUIRES THE VOTE OF AT LEAST ONE COMMISSIONER AFFILIATING WITH EACH OF THE MAJOR PARTIES AND ONE NON-AFFILIATING COMMISSIONER. ALL DECISIONS OF THE COMMISSION SHALL BE RECORDED, AND THE RECORD OF ITS DECISIONS SHALL BE READILY AVAILABLE TO ANY MEMBER OF THE PUBLIC WITHOUT CHARGE.

(13) THE COMMISSION SHALL ABIDE BY THE FOLLOWING CRITERIA IN PROPOSING AND ADOPTING EACH PLAN, IN ORDER OF PRIORITY:

(A) DISTRICTS SHALL BE OF EQUAL POPULATION AS MANDATED BY THE UNITED STATES CONSTITUTION, AND SHALL COMPLY WITH THE VOTING RIGHTS ACT AND OTHER FEDERAL LAWS.

(B) DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS.

(C) DISTRICTS SHALL REFLECT THE STATE'S DIVERSE POPULATION AND COMMUNITIES OF INTEREST. COMMUNITIES OF INTEREST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, POPULATIONS THAT SHARE CULTURAL OR HISTORICAL CHARACTERISTICS OR ECONOMIC INTERESTS. COMMUNITIES OF INTEREST DO NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.

(D) DISTRICTS SHALL NOT PROVIDE A DISPROPORTIONATE ADVANTAGE TO ANY POLITICAL PARTY. A DISPROPORTIONATE ADVANTAGE TO A POLITICAL PARTY SHALL BE DETERMINED USING ACCEPTED MEASURES OF PARTISAN FAIRNESS.

(E) DISTRICTS SHALL NOT FAVOR OR DISFAVOR AN INCUMBENT ELECTED OFFICIAL OR A CANDIDATE.

(F) DISTRICTS SHALL REFLECT CONSIDERATION OF COUNTY, CITY, AND TOWNSHIP BOUNDARIES.

(G) DISTRICTS SHALL BE REASONABLY COMPACT.

(14) THE COMMISSION SHALL FOLLOW THE FOLLOWING PROCEDURE IN ADOPTING A PLAN:

(A) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL ENSURE THAT THE PLAN IS TESTED, USING APPROPRIATE TECHNOLOGY, FOR COMPLIANCE WITH THE CRITERIA DESCRIBED ABOVE.

(B) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF EACH PLAN THAT WILL BE VOTED ON AND PROVIDE AT LEAST 45 DAYS FOR PUBLIC COMMENT ON THE PROPOSED PLAN OR PLANS. EACH PLAN THAT WILL BE VOTED ON SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION.

(C) A FINAL DECISION OF THE COMMISSION TO ADOPT A REDISTRICTING PLAN REQUIRES A MAJORITY VOTE OF THE COMMISSION, INCLUDING AT LEAST TWO COMMISSIONERS WHO AFFILIATE WITH EACH MAJOR PARTY, AND AT LEAST TWO COMMISSIONERS WHO DO NOT AFFILIATE WITH EITHER MAJOR PARTY. IF NO PLAN SATISFIES THIS REQUIREMENT FOR A TYPE OF DISTRICT, THE COMMISSION SHALL USE THE FOLLOWING PROCEDURE TO ADOPT A PLAN FOR THAT TYPE OF DISTRICT:

(i) EACH COMMISSIONER MAY SUBMIT ONE PROPOSED PLAN FOR EACH TYPE OF DISTRICT TO THE FULL COMMISSION FOR CONSIDERATION.

(ii) EACH COMMISSIONER SHALL RANK THE PLANS SUBMITTED ACCORDING TO PREFERENCE. EACH PLAN SHALL BE ASSIGNED A POINT VALUE INVERSE TO ITS RANKING AMONG THE NUMBER OF CHOICES, GIVING THE LOWEST RANKED PLAN ONE POINT AND THE HIGHEST RANKED PLAN A POINT VALUE EQUAL TO THE NUMBER OF PLANS SUBMITTED.

(iii) THE COMMISSION SHALL ADOPT THE PLAN RECEIVING THE HIGHEST TOTAL POINTS, THAT IS ALSO RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS NOT AFFILIATED WITH THE PARTY OF THE COMMISSIONER SUBMITTING THE PLAN, OR IN THE CASE OF A PLAN SUBMITTED BY NON-AFFILIATED COMMISSIONERS, IS RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS AFFILIATED WITH A MAJOR PARTY. IF PLANS ARE TIED FOR THE HIGHEST POINT TOTAL, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM THOSE PLANS. IF NO PLAN MEETS THE REQUIREMENTS OF THIS SUBPARAGRAPH, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM AMONG ALL SUBMITTED PLANS PURSUANT TO PART (14)(C)(i).

(15) WITHIN 30 DAYS AFTER ADOPTING A PLAN, THE COMMISSION SHALL PUBLISH THE PLAN AND THE MATERIAL REPORTS, REFERENCÉ MATERIALS, AND DATA USED IN DRAWING IT, INCLUDING ANY PROGRAMMING INFORMATION USED TO PRODUCE AND TEST THE PLAN. THE PUBLISHED MATERIALS SHALL BE SUCH THAT AN INDEPENDENT PERSON IS ABLE TO REPLICATE THE CONCLUSION WITHOUT ANY MODIFICATION OF ANY OF THE PUBLISHED MATERIALS.

(16) FOR EACH ADOPTED PLAN, THE COMMISSION SHALL ISSUE A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECISIONS IN ACHIEVING COMPLIANCE WITH PLAN REQUIREMENTS AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION. A COMMISSIONER WHO VOTES AGAINST A REDISTRICTING PLAN MAY SUBMIT A DISSENTING REPORT WHICH SHALL BE ISSUED WITH THE COMMISSION'S REPORT.

(17) AN ADOPTED REDISTRICTING PLAN SHALL BECOME LAW 60 DAYS AFTER ITS PUBLICATION. THE SECRETARY OF STATE SHALL KEEP A PUBLIC RECORD OF ALL PROCEEDINGS OF THE COMMISSION AND SHALL PUBLISH AND DISTRIBUTE EACH PLAN AND REQUIRED DOCUMENTATION.

(18) THE TERMS OF THE COMMISSIONERS SHALL EXPIRE ONCE THE COMMISSION HAS COMPLETED ITS OBLIGATIONS FOR A CENSUS CYCLE BUT NOT BEFORE ANY JUDICIAL REVIEW OF THE REDISTRICTING PLAN IS COMPLETE.

(19) THE SUPREME COURT, IN THE EXERCISE OF ORIGINAL JURISDICTION, SHALL DIRECT THE SECRETARY OF STATE OR THE COMMISSION TO PERFORM THEIR RESPECTIVE DUTIES, MAY REVIEW A CHALLENGE TO ANY PLAN ADOPTED BY THE COMMISSION, AND SHALL REMAND A PLAN TO THE COMMISSION FOR FURTHER ACTION IF THE PLAN FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS CONSTITUTION, THE CONSTITUTION OF THE UNITED STATES OR SUPERSÉDING FEDERAL LAW. IN NO EVENT SHALL ANY BODY, EXCEPT THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION ACTING PURSUANT TO THIS SECTION, PROMULGATE AND ADOPT A REDISTRICTING PLAN OR PLANS FOR THIS STATE.

(20) THIS SECTION IS SELF-EXECUTING. IF A FINAL COURT DECISION HOLDS ANY PART OR PARTS OF THIS SECTION TO BE IN CONFLICT WITH THE UNITED STATES CONSTITUTION OR FEDERAL LAW, THE SECTION SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE UNITED STATES CONSTITUTION AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID IS SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

(21) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO EMPLOYER SHALL DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE AGAINST ANY EMPLOYEE BECAUSE OF THE EMPLOYEE'S MEMBERSHIP ON THE COMMISSION OR ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

(22) 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 2, 3 AND 6 AND ARTICLE V, SECTION 2, INCLUDING THIS PROVISION, FOR PURPOSES OF INTERPRETING THIS CONSTITUTIONAL AMENDMENT THE PEOPLE DECLARE THAT THE POWERS GRANTED TO THE COMMISSION ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE LEGISLATURE, 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 LEGISLATURE. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN THIS SECTION.

~~A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.~~

~~No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.~~

~~The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.~~

~~The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.~~

~~Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.~~

~~Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.~~

~~If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.~~

~~Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.~~

Article V – Executive Branch

§ 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 2, 3 AND 6 AND ARTICLE V, SECTION 2, 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.

Provisions of existing Constitution altered or abrogated by the proposal if adopted.

Article IV – Legislative Branch

§1 Legislative power

Sec. 1. Legislative power. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 6 Commission on legislative apportionment

A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Article V – Executive Branch

§1 Executive power

Sec. 1. 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.

§ 4 Commissions or agencies for less than 2 years.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Article VI – Judicial Branch

§ 1 Judicial power in court of justice; divisions.

Sec. 1. 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. 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.

Malerman, Melissa (MDOS)

From: James Lancaster <lancaster-law@comcast.net>
Sent: Thursday, August 10, 2017 3:05 PM
To: Malerman, Melissa (MDOS)
Cc: Williams, Sally (MDOS); Bourbonais, Lori (MDOS)
Subject: Re: Voters Not Politicians
Attachments: 08.10.17 Voters Not Politician Proposal for Petition in 8.5 x 14 format FINAL.pdf; 08.10.17 Voters Not Politicians Petition back panel FINAL.pdf; 08.10.17 Voters Not Politicians Petition front panel FINAL.pdf

Melissa:

Just checking in.

I am resending the 7 page, 8.5" x 14" format of the proposal.

I did catch a typo at the bottom of page 5

In the third line, "...ARTICLE VI, SECTIONS 1 AND 6..." WAS CORRECTED TO READ: "...ARTICLE VI, SECTIONS 1 AND 4..."

Also attached are the front and back panels of the proofs.

They do not have the numbering on them as that occurs after the petitions are printed.

I just spoke with our printer. They are set to print the proofs this afternoon.

It is anticipated that we can have someone pick them up around Noon tomorrow and drive them up to Lansing.

So, absent any unexpected occurrences, we should have them to you mid-afternoon tomorrow.

SO IF YOU HAVE ANYTHING YOU HAVE CAUGHT TODAY, I COULD STILL MAKE A CHANGE....IF YOU LET ME KNOW THIS AFTERNOON.

I would appreciate it if you could let me know as soon as possible if you have any comments.

Jim.

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

On August 10, 2017 at 10:46 AM James Lancaster <lancaster-law@comcast.net> wrote:

Melissa:

As I hope Cindy and Lori have told you, I met with them yesterday about the changes we are proposing to our petition to address the abrogation issue.

I have attached a revised version of the petition in an 8.5" x 14" format.

The proof is being prepared by the printer this morning. Once I have a pdf of the layout of the front and back of the petition from the printer I will immediately forward it to you.

We are working to try to get the proofs to you tomorrow. I will let you know as soon as I know for sure that we can make this happen. If not, then we will get it to you ASAP on Monday morning.

Two issues I want to revisit with you:

1. The numbering: I left with Cindy and Lori a proof of an earlier version of our petition *that has the numbering as it will appear on the petitions*. In a previous email you had indicated that numbering was acceptable (and actually preferred). But this document shows how it will appear on the petition.

If there is a problem with this, please let me know immediately by calling me (517-285-4737) and emailing and texting. I will address this immediately.

2. The layout that you will be receiving will have a light line that will demarcate the border of each panel of the extensions to the petition, so that even if there is a slight variation in the folding, it can be verified that each panel is 8.5" x 14". We had previously discussed this and told me that this was acceptable. I just want to reconfirm this.

Also attached is the form of the printer's affidavit. I think you had already signed off on this back in early June. But I now ask that you reconfirm the acceptability of this form.

Finally, I am available any time today to come to your office, at your convenience, to review any aspect of any of these documents.

Jim.

James R. Lancaster
Lancaster Associates PLC
(517) 285-4737

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

The proposal, if adopted, would amend Article IV, Sections 2, 3 and 6 and Article V, Section 2, as follows (new language capitalized, deleted language struck out with a line):

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.

§ 2 Senators, number, term.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

~~Senatorial districts, apportionment factors:~~

~~In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.~~

~~Apportionment rules:~~

~~In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:~~

~~(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.~~

~~(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.~~

~~(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.~~

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. ~~The districts shall consist of compact and convenient territory contiguous by land.~~

~~Representative areas, single and multiple county:~~

~~Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.~~

~~Apportionment of representatives to areas:~~

~~After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.~~

~~Districting of single county area entitled to 2 or more representatives:~~

~~Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:~~

~~(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.~~

~~(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.~~

~~Districting of multiple county representative areas:~~

~~Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.~~

§ 4 Annexation or merger with a city:

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

§ 5 Island areas, contiguity:

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

§ 6 INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS.

~~Commission on legislative apportionment:~~

Sec. 6.

(1) AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS (HEREINAFTER, THE "COMMISSION") IS HEREBY ESTABLISHED AS A PERMANENT COMMISSION IN THE LEGISLATIVE BRANCH.

THE COMMISSION SHALL CONSIST OF 13 COMMISSIONERS. THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS. EACH COMMISSIONER SHALL:

- (A) BE REGISTERED AND ELIGIBLE TO VOTE IN THE STATE OF MICHIGAN;
- (B) NOT CURRENTLY BE OR IN THE PAST 6 YEARS HAVE BEEN ANY OF THE FOLLOWING:
 - (I) A DECLARED CANDIDATE FOR PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;
 - (II) AN ELECTED OFFICIAL TO PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;
 - (III) AN OFFICER OR MEMBER OF THE GOVERNING BODY OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;
 - (IV) A PAID CONSULTANT OR EMPLOYEE OF A FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL OR POLITICAL CANDIDATE, OF A FEDERAL, STATE, OR LOCAL POLITICAL CANDIDATE'S CAMPAIGN, OR OF A POLITICAL ACTION COMMITTEE;
 - (V) AN EMPLOYEE OF THE LEGISLATURE;
 - (VI) ANY PERSON WHO IS REGISTERED AS A LOBBYIST AGENT WITH THE MICHIGAN BUREAU OF ELECTIONS, OR ANY EMPLOYEE OF SUCH PERSON; OR
 - (VII) AN UNCLASSIFIED STATE EMPLOYEE WHO IS EXEMPT FROM CLASSIFICATION IN STATE CIVIL SERVICE PURSUANT TO ARTICLE XI, SECTION 5, EXCEPT FOR EMPLOYEES OF COURTS OF RECORD, EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER EDUCATION, AND PERSONS IN THE ARMED FORCES OF THE STATE;
- (C) NOT BE A PARENT, STEPPARENT, CHILD, STEPCHILD, OR SPOUSE OF ANY INDIVIDUAL DISQUALIFIED UNDER PART (1)(B) OF THIS SECTION; OR
- (D) NOT BE OTHERWISE DISQUALIFIED FOR APPOINTED OR ELECTED OFFICE BY THIS CONSTITUTION.
- (E) FOR FIVE YEARS AFTER THE DATE OF APPOINTMENT, A COMMISSIONER IS INELIGIBLE TO HOLD A PARTISAN ELECTIVE OFFICE AT THE STATE, COUNTY, CITY, VILLAGE, OR TOWNSHIP LEVEL IN MICHIGAN.

(2) COMMISSIONERS SHALL BE SELECTED THROUGH THE FOLLOWING PROCESS:

- (A) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:
 - (I) MAKE APPLICATIONS FOR COMMISSIONER AVAILABLE TO THE GENERAL PUBLIC NOT LATER THAN JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS. THE SECRETARY OF STATE SHALL CIRCULATE THE APPLICATIONS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION FROM DIFFERENT REGIONS OF THE STATE. THE SECRETARY OF STATE SHALL ALSO MAIL APPLICATIONS FOR COMMISSIONER TO TEN THOUSAND MICHIGAN REGISTERED VOTERS, SELECTED AT RANDOM, BY JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.
 - (II) REQUIRE APPLICANTS TO PROVIDE A COMPLETED APPLICATION.
 - (III) REQUIRE APPLICANTS TO ATTEST UNDER OATH THAT THEY MEET THE QUALIFICATIONS SET FORTH IN THIS SECTION; AND EITHER THAT THEY AFFILIATE WITH ONE OF THE TWO POLITICAL PARTIES WITH THE LARGEST REPRESENTATION IN THE LEGISLATURE (HEREINAFTER, "MAJOR PARTIES"), AND IF SO, IDENTIFY THE PARTY WITH WHICH THEY AFFILIATE, OR THAT THEY DO NOT AFFILIATE WITH EITHER OF THE MAJOR PARTIES.
- (B) SUBJECT TO PART (2)(C) OF THIS SECTION, THE SECRETARY OF STATE SHALL MAIL ADDITIONAL APPLICATIONS FOR COMMISSIONER TO MICHIGAN REGISTERED VOTERS SELECTED AT RANDOM UNTIL 30 QUALIFYING APPLICANTS THAT AFFILIATE WITH ONE OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, 30 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY AFFILIATE WITH THE OTHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, AND 40 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY DO NOT AFFILIATE WITH EITHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, EACH IN RESPONSE TO THE MAILINGS.
- (C) THE SECRETARY OF STATE SHALL ACCEPT APPLICATIONS FOR COMMISSIONER UNTIL JUNE 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.
- (D) BY JULY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, FROM ALL OF THE APPLICATIONS SUBMITTED, THE SECRETARY OF STATE SHALL:
 - (I) ELIMINATE INCOMPLETE APPLICATIONS AND APPLICATIONS OF APPLICANTS WHO DO NOT MEET THE QUALIFICATIONS IN PARTS (1)(A) THROUGH (1)(D) OF THIS SECTION BASED SOLELY ON THE INFORMATION CONTAINED IN THE APPLICATIONS;
 - (II) RANDOMLY SELECT 60 APPLICANTS FROM EACH POOL OF AFFILIATING APPLICANTS AND 80 APPLICANTS FROM THE POOL OF NON-AFFILIATING APPLICANTS. 50% OF EACH POOL SHALL BE POPULATED FROM THE QUALIFYING APPLICANTS TO SUCH POOL WHO RETURNED AN APPLICATION MAILED PURSUANT TO PART 2(A) OR 2(B) OF THIS SECTION, PROVIDED, THAT IF FEWER THAN 30 QUALIFYING APPLICANTS AFFILIATED WITH A MAJOR PARTY OR FEWER THAN 40 QUALIFYING NON-AFFILIATING APPLICANTS HAVE APPLIED TO SERVE ON THE COMMISSION IN RESPONSE TO THE RANDOM MAILING, THE BALANCE OF THE POOL SHALL BE POPULATED FROM THE BALANCE OF QUALIFYING APPLICANTS TO THAT POOL. THE RANDOM SELECTION PROCESS USED BY THE SECRETARY OF STATE TO FILL THE SELECTION POOLS SHALL USE ACCEPTED STATISTICAL WEIGHTING METHODS TO ENSURE THAT THE POOLS, AS CLOSELY AS POSSIBLE, MIRROR THE GEOGRAPHIC AND DEMOGRAPHIC MAKEUP OF THE STATE; AND
 - (III) SUBMIT THE RANDOMLY-SELECTED APPLICATIONS TO THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.
- (E) BY AUGUST 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE MAJORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY EACH STRIKE FIVE APPLICANTS FROM ANY POOL OR POOLS, UP TO A MAXIMUM OF 20 TOTAL STRIKES BY THE FOUR LEGISLATIVE LEADERS.
- (F) BY SEPTEMBER 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE SECRETARY OF STATE SHALL RANDOMLY DRAW THE NAMES OF FOUR COMMISSIONERS FROM EACH OF THE TWO POOLS OF REMAINING APPLICANTS AFFILIATING WITH A MAJOR PARTY, AND FIVE COMMISSIONERS FROM THE POOL OF REMAINING NON-AFFILIATING APPLICANTS.

(3) EXCEPT AS PROVIDED BELOW, COMMISSIONERS SHALL HOLD OFFICE FOR THE TERM SET FORTH IN PART (18) OF THIS

SECTION. IF A COMMISSIONER'S SEAT BECOMES VACANT FOR ANY REASON, THE SECRETARY OF STATE SHALL FILL THE VACANCY BY RANDOMLY DRAWING A NAME FROM THE REMAINING QUALIFYING APPLICANTS IN THE SELECTION POOL FROM WHICH THE ORIGINAL COMMISSIONER WAS SELECTED. A COMMISSIONER'S OFFICE SHALL BECOME VACANT UPON THE OCCURRENCE OF ANY OF THE FOLLOWING:

- (A) DEATH OR MENTAL INCAPACITY OF THE COMMISSIONER;
- (B) THE SECRETARY OF STATE'S RECEIPT OF THE COMMISSIONER'S WRITTEN RESIGNATION;
- (C) THE COMMISSIONER'S DISQUALIFICATION FOR ELECTION OR APPOINTMENT OR EMPLOYMENT PURSUANT TO ARTICLE XI, SECTION 8;
- (D) THE COMMISSIONER CEASES TO BE QUALIFIED TO SERVE AS A COMMISSIONER UNDER PART (1) OF THIS SECTION; OR
- (E) AFTER WRITTEN NOTICE AND AN OPPORTUNITY FOR THE COMMISSIONER TO RESPOND, A VOTE OF 10 OF THE COMMISSIONERS FINDING SUBSTANTIAL NEGLIGENCE OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE.

(4) THE SECRETARY OF STATE SHALL BE SECRETARY OF THE COMMISSION WITHOUT VOTE, AND IN THAT CAPACITY SHALL FURNISH, UNDER THE DIRECTION OF THE COMMISSION, ALL TECHNICAL SERVICES THAT THE COMMISSION DEEMS NECESSARY. THE COMMISSION SHALL ELECT ITS OWN CHAIRPERSON. THE COMMISSION HAS THE SOLE POWER TO MAKE ITS OWN RULES OF PROCEDURE. THE COMMISSION SHALL HAVE PROCUREMENT AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS FOR THE PURPOSES OF THIS SECTION, INCLUDING LEGAL REPRESENTATION.

(5) BEGINNING NO LATER THAN DECEMBER 1 OF THE YEAR PRECEDING THE FEDERAL DECENNIAL CENSUS, AND CONTINUING EACH YEAR IN WHICH THE COMMISSION OPERATES, THE LEGISLATURE SHALL APPROPRIATE FUNDS SUFFICIENT TO COMPENSATE THE COMMISSIONERS AND TO ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS, OPERATIONS AND ACTIVITIES, WHICH ACTIVITIES INCLUDE RETAINING INDEPENDENT, NONPARTISAN SUBJECT-MATTER EXPERTS AND LEGAL COUNSEL, CONDUCTING HEARINGS, PUBLISHING NOTICES AND MAINTAINING A RECORD OF THE COMMISSION'S PROCEEDINGS, AND ANY OTHER ACTIVITY NECESSARY FOR THE COMMISSION TO CONDUCT ITS BUSINESS, AT AN AMOUNT EQUAL TO NOT LESS THAN 25 PERCENT OF THE GENERAL FUND/GENERAL PURPOSE BUDGET FOR THE SECRETARY OF STATE FOR THAT FISCAL YEAR. WITHIN SIX MONTHS AFTER THE CONCLUSION OF EACH FISCAL YEAR, THE COMMISSION SHALL RETURN TO THE STATE TREASURY ALL MONEYS UNEXPENDED FOR THAT FISCAL YEAR. THE COMMISSION SHALL FURNISH REPORTS OF EXPENDITURES, AT LEAST ANNUALLY, TO THE GOVERNOR AND THE LEGISLATURE AND SHALL BE SUBJECT TO ANNUAL AUDIT AS PROVIDED BY LAW. EACH COMMISSIONER SHALL RECEIVE COMPENSATION AT LEAST EQUAL TO 25 PERCENT OF THE GOVERNOR'S SALARY. THE STATE OF MICHIGAN SHALL INDEMNIFY COMMISSIONERS FOR COSTS INCURRED IF THE LEGISLATURE DOES NOT APPROPRIATE SUFFICIENT FUNDS TO COVER SUCH COSTS.

(6) THE COMMISSION SHALL HAVE LEGAL STANDING TO PROSECUTE AN ACTION REGARDING THE ADEQUACY OF RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION, AND TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN. THE COMMISSION SHALL INFORM THE LEGISLATURE IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR OPERATION OF THE COMMISSION ARE NOT ADEQUATE. THE LEGISLATURE SHALL PROVIDE ADEQUATE FUNDING TO ALLOW THE COMMISSION TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN.

(7) THE SECRETARY OF STATE SHALL ISSUE A CALL CONVENING THE COMMISSION BY OCTOBER 15 IN THE YEAR OF THE FEDERAL DECENNIAL CENSUS. NOT LATER THAN NOVEMBER 1 IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS, THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN UNDER THIS SECTION FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS.

(8) BEFORE COMMISSIONERS DRAFT ANY PLAN, THE COMMISSION SHALL HOLD AT LEAST TEN PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF INFORMING THE PUBLIC ABOUT THE REDISTRICTING PROCESS AND THE PURPOSE AND RESPONSIBILITIES OF THE COMMISSION AND SOLICITING INFORMATION FROM THE PUBLIC ABOUT POTENTIAL PLANS. THE COMMISSION SHALL RECEIVE FOR CONSIDERATION WRITTEN SUBMISSIONS OF PROPOSED REDISTRICTING PLANS AND ANY SUPPORTING MATERIALS, INCLUDING UNDERLYING DATA, FROM ANY MEMBER OF THE PUBLIC. THESE WRITTEN SUBMISSIONS ARE PUBLIC RECORDS.

(9) AFTER DEVELOPING AT LEAST ONE PROPOSED REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT, THE COMMISSION SHALL PUBLISH THE PROPOSED REDISTRICTING PLANS AND ANY DATA AND SUPPORTING MATERIALS USED TO DEVELOP THE PLANS. EACH COMMISSIONER MAY ONLY PROPOSE ONE REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT. THE COMMISSION SHALL HOLD AT LEAST FIVE PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF SOLICITING COMMENT FROM THE PUBLIC ABOUT THE PROPOSED PLANS. EACH OF THE PROPOSED PLANS SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND A MAP AND LEGAL DESCRIPTION THAT INCLUDE THE POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNSHIPS; MAN-MADE FEATURES, SUCH AS STREETS, ROADS, HIGHWAYS, AND RAILROADS; AND NATURAL FEATURES, SUCH AS WATERWAYS, WHICH FORM THE BOUNDARIES OF THE DISTRICTS.

(10) EACH COMMISSIONER SHALL PERFORM HIS OR HER DUTIES IN A MANNER THAT IS IMPARTIAL AND REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS. THE COMMISSION SHALL CONDUCT ALL OF ITS BUSINESS AT OPEN MEETINGS. NINE COMMISSIONERS, INCLUDING AT LEAST ONE COMMISSIONER FROM EACH SELECTION POOL SHALL CONSTITUTE A QUORUM, AND ALL MEETINGS SHALL REQUIRE A QUORUM. THE COMMISSION SHALL PROVIDE ADVANCE PUBLIC NOTICE OF ITS MEETINGS AND HEARINGS. THE COMMISSION SHALL CONDUCT ITS HEARINGS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION THROUGHOUT THE STATE. THE COMMISSION SHALL USE TECHNOLOGY TO PROVIDE CONTEMPORANEOUS PUBLIC OBSERVATION AND MEANINGFUL PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS DURING ALL MEETINGS AND HEARINGS.

(11) THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, AND CONSULTANTS SHALL NOT DISCUSS REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC OUTSIDE OF AN OPEN MEETING OF THE COMMISSION, EXCEPT THAT A COMMISSIONER MAY COMMUNICATE ABOUT REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC TO GAIN INFORMATION RELEVANT TO THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH COMMUNICATION OCCURS (A) IN WRITING OR (B) AT A PREVIOUSLY PUBLICLY NOTICED FORUM OR TOWN HALL OPEN TO THE GENERAL PUBLIC.

THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, EXPERTS, AND CONSULTANTS MAY NOT DIRECTLY OR INDIRECTLY SOLICIT OR ACCEPT ANY GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE GREATER THAN \$20 FOR THE BENEFIT OF ANY PERSON OR ORGANIZATION, WHICH MAY INFLUENCE THE MANNER IN WHICH THE COMMISSIONER, STAFF, ATTORNEY, EXPERT, OR CONSULTANT PERFORMS HIS OR HER DUTIES.

(12) EXCEPT AS PROVIDED IN PART (14) OF THIS SECTION, A FINAL DECISION OF THE COMMISSION REQUIRES THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS. A DECISION ON THE DISMISSAL OR RETENTION OF PAID STAFF OR CONSULTANTS REQUIRES THE VOTE OF AT LEAST ONE COMMISSIONER AFFILIATING WITH EACH OF THE MAJOR PARTIES AND ONE NON-AFFILIATING COMMISSIONER. ALL DECISIONS OF THE COMMISSION SHALL BE RECORDED, AND THE RECORD OF ITS DECISIONS SHALL BE READILY AVAILABLE TO ANY MEMBER OF THE PUBLIC WITHOUT CHARGE.

(13) THE COMMISSION SHALL ABIDE BY THE FOLLOWING CRITERIA IN PROPOSING AND ADOPTING EACH PLAN, IN ORDER OF PRIORITY:

(A) DISTRICTS SHALL BE OF EQUAL POPULATION AS MANDATED BY THE UNITED STATES CONSTITUTION, AND SHALL COMPLY WITH THE VOTING RIGHTS ACT AND OTHER FEDERAL LAWS.

(B) DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS. ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY OF WHICH THEY ARE A PART.

(C) DISTRICTS SHALL REFLECT THE STATE'S DIVERSE POPULATION AND COMMUNITIES OF INTEREST. COMMUNITIES OF INTEREST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, POPULATIONS THAT SHARE CULTURAL OR HISTORICAL CHARACTERISTICS OR ECONOMIC INTERESTS. COMMUNITIES OF INTEREST DO NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.

(D) DISTRICTS SHALL NOT PROVIDE A DISPROPORTIONATE ADVANTAGE TO ANY POLITICAL PARTY. A DISPROPORTIONATE ADVANTAGE TO A POLITICAL PARTY SHALL BE DETERMINED USING ACCEPTED MEASURES OF PARTISAN FAIRNESS.

(E) DISTRICTS SHALL NOT FAVOR OR DISFAVOR AN INCUMBENT ELECTED OFFICIAL OR A CANDIDATE.

(F) DISTRICTS SHALL REFLECT CONSIDERATION OF COUNTY, CITY, AND TOWNSHIP BOUNDARIES.

(G) DISTRICTS SHALL BE REASONABLY COMPACT.

(14) THE COMMISSION SHALL FOLLOW THE FOLLOWING PROCEDURE IN ADOPTING A PLAN:

(A) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL ENSURE THAT THE PLAN IS TESTED, USING APPROPRIATE TECHNOLOGY, FOR COMPLIANCE WITH THE CRITERIA DESCRIBED ABOVE.

(B) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF EACH PLAN THAT WILL BE VOTED ON AND PROVIDE AT LEAST 45 DAYS FOR PUBLIC COMMENT ON THE PROPOSED PLAN OR PLANS. EACH PLAN THAT WILL BE VOTED ON SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION.

(C) A FINAL DECISION OF THE COMMISSION TO ADOPT A REDISTRICTING PLAN REQUIRES A MAJORITY VOTE OF THE COMMISSION, INCLUDING AT LEAST TWO COMMISSIONERS WHO AFFILIATE WITH EACH MAJOR PARTY, AND AT LEAST TWO COMMISSIONERS WHO DO NOT AFFILIATE WITH EITHER MAJOR PARTY. IF NO PLAN SATISFIES THIS REQUIREMENT FOR A TYPE OF DISTRICT, THE COMMISSION SHALL USE THE FOLLOWING PROCEDURE TO ADOPT A PLAN FOR THAT TYPE OF DISTRICT:

(I) EACH COMMISSIONER MAY SUBMIT ONE PROPOSED PLAN FOR EACH TYPE OF DISTRICT TO THE FULL COMMISSION FOR CONSIDERATION.

(II) EACH COMMISSIONER SHALL RANK THE PLANS SUBMITTED ACCORDING TO PREFERENCE. EACH PLAN SHALL BE ASSIGNED A POINT VALUE INVERSE TO ITS RANKING AMONG THE NUMBER OF CHOICES, GIVING THE LOWEST RANKED PLAN ONE POINT AND THE HIGHEST RANKED PLAN A POINT VALUE EQUAL TO THE NUMBER OF PLANS SUBMITTED.

(III) THE COMMISSION SHALL ADOPT THE PLAN RECEIVING THE HIGHEST TOTAL POINTS, THAT IS ALSO RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS NOT AFFILIATED WITH THE PARTY OF THE COMMISSIONER SUBMITTING THE PLAN, OR IN THE CASE OF A PLAN SUBMITTED BY NON-AFFILIATED COMMISSIONERS, IS RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS AFFILIATED WITH A MAJOR PARTY. IF PLANS ARE TIED FOR THE HIGHEST POINT TOTAL, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM THOSE PLANS. IF NO PLAN MEETS THE REQUIREMENTS OF THIS SUBPARAGRAPH, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM AMONG ALL SUBMITTED PLANS PURSUANT TO PART (14)(C)(I).

(15) WITHIN 30 DAYS AFTER ADOPTING A PLAN, THE COMMISSION SHALL PUBLISH THE PLAN AND THE MATERIAL REPORTS, REFERENCE MATERIALS, AND DATA USED IN DRAWING IT, INCLUDING ANY PROGRAMMING INFORMATION USED TO PRODUCE AND TEST THE PLAN. THE PUBLISHED MATERIALS SHALL BE SUCH THAT AN INDEPENDENT PERSON IS ABLE TO REPLICATE THE CONCLUSION WITHOUT ANY MODIFICATION OF ANY OF THE PUBLISHED MATERIALS.

(16) FOR EACH ADOPTED PLAN, THE COMMISSION SHALL ISSUE A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECISIONS IN ACHIEVING COMPLIANCE WITH PLAN REQUIREMENTS AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION. A COMMISSIONER WHO VOTES AGAINST A REDISTRICTING PLAN MAY SUBMIT A DISSENTING REPORT WHICH SHALL BE ISSUED WITH THE COMMISSION'S REPORT.

(17) AN ADOPTED REDISTRICTING PLAN SHALL BECOME LAW 60 DAYS AFTER ITS PUBLICATION. THE SECRETARY OF STATE SHALL KEEP A PUBLIC RECORD OF ALL PROCEEDINGS OF THE COMMISSION AND SHALL PUBLISH AND DISTRIBUTE EACH PLAN AND REQUIRED DOCUMENTATION.

(18) THE TERMS OF THE COMMISSIONERS SHALL EXPIRE ONCE THE COMMISSION HAS COMPLETED ITS OBLIGATIONS FOR A CENSUS CYCLE BUT NOT BEFORE ANY JUDICIAL REVIEW OF THE REDISTRICTING PLAN IS COMPLETE.

(19) THE SUPREME COURT, IN THE EXERCISE OF ORIGINAL JURISDICTION, SHALL DIRECT THE SECRETARY OF STATE OR THE COMMISSION TO PERFORM THEIR RESPECTIVE DUTIES, MAY REVIEW A CHALLENGE TO ANY PLAN ADOPTED BY THE COMMISSION, AND SHALL REMAND A PLAN TO THE COMMISSION FOR FURTHER ACTION IF THE PLAN FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS CONSTITUTION, THE CONSTITUTION OF THE UNITED STATES OR SUPERSEDING FEDERAL LAW. IN NO EVENT SHALL ANY BODY, EXCEPT THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION ACTING PURSUANT TO THIS SECTION, PROMULGATE AND ADOPT A REDISTRICTING PLAN OR PLANS FOR THIS STATE.

(20) THIS SECTION IS SELF-EXECUTING. IF A FINAL COURT DECISION HOLDS ANY PART OR PARTS OF THIS SECTION TO BE IN CONFLICT WITH THE UNITED STATES CONSTITUTION OR FEDERAL LAW, THE SECTION SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE UNITED STATES CONSTITUTION AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID IS SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

(21) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO EMPLOYER SHALL DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE AGAINST ANY EMPLOYEE BECAUSE OF THE EMPLOYEE'S MEMBERSHIP ON THE COMMISSION OR ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

(22) 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 THE COMMISSION ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE LEGISLATURE, 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 LEGISLATURE. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN THIS SECTION.

A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

Eligibility to membership.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

Appointment, term, vacancies:

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

Officers, rules of procedure, compensation, appropriation.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Call to convene; apportionment; public hearings.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Apportionment plan, publication; record of proceedings:

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

Disagreement of commission; submission of plans to supreme court.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Jurisdiction of supreme court on elector's application.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

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.

§ 4 Commissions or agencies for less than 2 years.

Sec. 4. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE V, SECTION 2 OR ARTICLE IV, SECTION 6, temporary

commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

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.

Provisions of existing Constitution altered or abrogated by the proposal if adopted.

Article IV – Legislative Branch

§1 Legislative power.

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

Senatorial districts, apportionment factors.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

Apportionment rules.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Representative areas, single and multiple county.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

Apportionment of representatives to areas.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Districting of single county area entitled to 2 or more representatives.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Districting of multiple county representative areas.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 4 Annexation or merger with a city.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

§ 5 Island areas, contiguity.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

§ 6 Commission on legislative apportionment.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

Eligibility to membership.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

Appointment, term, vacancies.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

Officers, rules of procedure, compensation, appropriation.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Call to convene; apportionment; public hearings.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Apportionment plan, publication; record of proceedings.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

Disagreement of commission; submission of plans to supreme court.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Jurisdiction of supreme court on elector's application.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Article V – Executive Branch

§1 Executive power.

Sec. 1. 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.

§ 4 Commissions or agencies for less than 2 years.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Article VI – Judicial Branch

§ 1 Judicial power in court of justice; divisions.

Sec. 1. 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. 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.

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

A proposal to amend the Michigan Constitution to create an Independent Citizens Redistricting Commission. If adopted, this amendment would transfer the authority to draw Congressional and State Legislative district lines from the Legislature and Governor to the Independent Commission. The selection process will be administered by the Secretary of State. Thirteen commissioners will be randomly selected from a pool of registered voters, and consist of four members who self-identify with each of the two major political parties, and five non-affiliated, independent members. Current and former partisan elected officials, lobbyists, party officers and their employees are not eligible to serve. The proposal is to be voted on in the November 6, 2018 General Election.

FOR THE FULL TEXT OF THE PROPOSED AMENDMENT AND PROVISIONS OF THE EXISTING CONSTITUTION THAT ARE ALTERED OR ABROGATED BY THE PROPOSAL IF ADOPTED, SEE THE REVERSE SIDE AND ATTACHED PAGES OF THIS PETITION.

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.

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	1.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	2.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	3.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	4.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	5.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	6.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	7.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	8.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	9.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	10.						

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 a 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. 000035

Paid for with regulated funds by Voters Not Politicians Ballot Committee, PO Box 8362, Grand Rapids, MI 49518

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

The proposal, if adopted, would amend Article IV, Sections 1 through 6, Article V, Sections 1, 2, and 4, Article VI, Sections 1 and 4 as follows (new language capitalized, deleted language struck out with a line):

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.

§ 2 Senators, number, term.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

Senatorial districts, apportionment factors:

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

Apportionment rules:

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. ~~The districts shall consist of compact and convenient territory contiguous by land.~~

Representative areas, single and multiple county:

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

Apportionment of representatives to areas:

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Districting of single county area entitled to 2 or more representatives:

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Districting of multiple county representative areas:

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 4 Annexation or merger with a city:

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

§ 5 Island areas, contiguity:

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

§ 6 INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS. Commission on legislative apportionment:

Sec. 6.

(1) AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS (HEREINAFTER, THE "COMMISSION") IS HEREBY ESTABLISHED AS A PERMANENT COMMISSION IN THE LEGISLATIVE BRANCH.

THE COMMISSION SHALL CONSIST OF 13 COMMISSIONERS. THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS. EACH COMMISSIONER SHALL:

(A) BE REGISTERED AND ELIGIBLE TO VOTE IN THE STATE OF MICHIGAN;

(B) NOT CURRENTLY BE OR IN THE PAST 6 YEARS HAVE BEEN ANY OF THE FOLLOWING:

(I) A DECLARED CANDIDATE FOR PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(II) AN ELECTED OFFICIAL TO PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(III) AN OFFICER OR MEMBER OF THE GOVERNING BODY OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(IV) A PAID CONSULTANT OR EMPLOYEE OF A FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL OR POLITICAL CANDIDATE, OF A FEDERAL, STATE, OR LOCAL POLITICAL CANDIDATE'S CAMPAIGN, OR OF A POLITICAL ACTION COMMITTEE;

(V) AN EMPLOYEE OF THE LEGISLATURE;

(VI) ANY PERSON WHO IS REGISTERED AS A LOBBYIST AGENT WITH THE MICHIGAN BUREAU OF ELECTIONS, OR ANY EMPLOYEE OF SUCH PERSON; OR

(VII) AN UNCLASSIFIED STATE EMPLOYEE WHO IS EXEMPT FROM CLASSIFICATION IN STATE CIVIL SERVICE PURSUANT TO ARTICLE XI, SECTION 5, EXCEPT FOR EMPLOYEES OF COURTS OF RECORD, EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER EDUCATION, AND PERSONS IN THE ARMED FORCES OF THE STATE;

(C) NOT BE A PARENT, STEPPARENT, CHILD, STEPCHILD, OR SPOUSE OF ANY INDIVIDUAL DISQUALIFIED UNDER PART (1)(B) OF THIS SECTION; OR

(D) NOT BE OTHERWISE DISQUALIFIED FOR APPOINTED OR ELECTED OFFICE BY THIS CONSTITUTION.

(E) FOR FIVE YEARS AFTER THE DATE OF APPOINTMENT, A COMMISSIONER IS INELIGIBLE TO HOLD A PARTISAN ELECTIVE OFFICE AT THE STATE, COUNTY, CITY, VILLAGE, OR TOWNSHIP LEVEL IN MICHIGAN.

(2) COMMISSIONERS SHALL BE SELECTED THROUGH THE FOLLOWING PROCESS:

(A) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

(I) MAKE APPLICATIONS FOR COMMISSIONER AVAILABLE TO THE GENERAL PUBLIC NOT LATER THAN JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS. THE SECRETARY OF STATE SHALL CIRCULATE THE APPLICATIONS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION FROM DIFFERENT REGIONS OF THE STATE. THE SECRETARY OF STATE SHALL ALSO MAIL APPLICATIONS FOR COMMISSIONER TO TEN THOUSAND MICHIGAN REGISTERED VOTERS, SELECTED AT RANDOM, BY JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(II) REQUIRE APPLICANTS TO PROVIDE A COMPLETED APPLICATION.

(III) REQUIRE APPLICANTS TO ATTEST UNDER OATH THAT THEY MEET THE QUALIFICATIONS SET FORTH IN THIS SECTION; AND EITHER THAT THEY AFFILIATE WITH ONE OF THE TWO POLITICAL PARTIES WITH THE LARGEST REPRESENTATION IN THE LEGISLATURE (HEREINAFTER, "MAJOR PARTIES"), AND IF SO, IDENTIFY THE PARTY WITH WHICH THEY AFFILIATE, OR THAT THEY DO NOT AFFILIATE WITH EITHER OF THE MAJOR PARTIES.

(B) SUBJECT TO PART (2)(C) OF THIS SECTION, THE SECRETARY OF STATE SHALL MAIL ADDITIONAL APPLICATIONS FOR COMMISSIONER TO MICHIGAN REGISTERED VOTERS SELECTED AT RANDOM UNTIL 30 QUALIFYING APPLICANTS THAT AFFILIATE WITH ONE OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, 30 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY AFFILIATE WITH THE OTHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, AND 40 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY DO NOT AFFILIATE WITH EITHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, EACH IN RESPONSE TO THE MAILINGS.

(C) THE SECRETARY OF STATE SHALL ACCEPT APPLICATIONS FOR COMMISSIONER UNTIL JUNE 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS.

(D) BY JULY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, FROM ALL OF THE APPLICATIONS SUBMITTED, THE SECRETARY OF STATE SHALL:

(I) ELIMINATE INCOMPLETE APPLICATIONS AND APPLICATIONS OF APPLICANTS WHO DO NOT MEET THE QUALIFICATIONS IN PARTS (1)(A) THROUGH (1)(D) OF THIS SECTION BASED SOLELY ON THE INFORMATION CONTAINED IN THE APPLICATIONS;

(II) RANDOMLY SELECT 60 APPLICANTS FROM EACH POOL OF AFFILIATING APPLICANTS AND 80 APPLICANTS FROM THE POOL OF NON-AFFILIATING APPLICANTS. 50% OF EACH POOL SHALL BE POPULATED FROM THE QUALIFYING APPLICANTS TO SUCH POOL WHO RETURNED AN APPLICATION MAILED PURSUANT TO PART 2(A) OR 2(B) OF THIS SECTION, PROVIDED, THAT IF FEWER THAN 30 QUALIFYING APPLICANTS AFFILIATED WITH A MAJOR PARTY OR FEWER THAN 40 QUALIFYING NON-AFFILIATING APPLICANTS HAVE APPLIED TO SERVE ON THE COMMISSION IN RESPONSE TO THE RANDOM MAILING, THE BALANCE OF THE POOL SHALL BE POPULATED FROM THE BALANCE OF QUALIFYING APPLICANTS TO THAT POOL. THE RANDOM SELECTION PROCESS USED BY THE SECRETARY OF STATE TO FILL THE SELECTION POOLS SHALL USE ACCEPTED STATISTICAL WEIGHTING METHODS TO ENSURE THAT THE POOLS, AS CLOSELY AS POSSIBLE, MIRROR THE GEOGRAPHIC AND DEMOGRAPHIC MAKEUP OF THE STATE; AND

(III) SUBMIT THE RANDOMLY-SELECTED APPLICATIONS TO THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(E) BY AUGUST 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE MAJORITY LEADER OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY EACH STRIKE FIVE APPLICANTS FROM ANY POOL OR POOLS, UP TO A MAXIMUM OF 20 TOTAL STRIKES BY THE FOUR LEGISLATIVE LEADERS.

(F) BY SEPTEMBER 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE SECRETARY OF STATE SHALL RANDOMLY DRAW THE NAMES OF FOUR COMMISSIONERS FROM EACH OF THE TWO POOLS OF REMAINING APPLICANTS AFFILIATING WITH A MAJOR PARTY, AND FIVE COMMISSIONERS FROM THE POOL OF REMAINING NON-AFFILIATING APPLICANTS.

(3) EXCEPT AS PROVIDED BELOW, COMMISSIONERS SHALL HOLD OFFICE FOR THE TERM SET FORTH IN PART (18) OF THIS

SECTION. IF A COMMISSIONER'S SEAT BECOMES VACANT FOR ANY REASON, THE SECRETARY OF STATE SHALL FILL THE VACANCY BY RANDOMLY DRAWING A NAME FROM THE REMAINING QUALIFYING APPLICANTS IN THE SELECTION POOL FROM WHICH THE ORIGINAL COMMISSIONER WAS SELECTED. A COMMISSIONER'S OFFICE SHALL BECOME VACANT UPON THE OCCURRENCE OF ANY OF THE FOLLOWING:

(A) DEATH OR MENTAL INCAPACITY OF THE COMMISSIONER;

(B) THE SECRETARY OF STATE'S RECEIPT OF THE COMMISSIONER'S WRITTEN RESIGNATION;

(C) THE COMMISSIONER'S DISQUALIFICATION FOR ELECTION OR APPOINTMENT OR EMPLOYMENT PURSUANT TO ARTICLE XI, SECTION 8;

(D) THE COMMISSIONER CEASES TO BE QUALIFIED TO SERVE AS A COMMISSIONER UNDER PART (1) OF THIS SECTION; OR

(E) AFTER WRITTEN NOTICE AND AN OPPORTUNITY FOR THE COMMISSIONER TO RESPOND, A VOTE OF 10 OF THE COMMISSIONERS FINDING SUBSTANTIAL NEGLIGENCE OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE.

(4) THE SECRETARY OF STATE SHALL BE SECRETARY OF THE COMMISSION WITHOUT VOTE, AND IN THAT CAPACITY SHALL FURNISH, UNDER THE DIRECTION OF THE COMMISSION, ALL TECHNICAL SERVICES THAT THE COMMISSION DEEMS NECESSARY. THE COMMISSION SHALL ELECT ITS OWN CHAIRPERSON. THE COMMISSION HAS THE SOLE POWER TO MAKE ITS OWN RULES OF PROCEDURE. THE COMMISSION SHALL HAVE PROCUREMENT AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS FOR THE PURPOSES OF THIS SECTION, INCLUDING LEGAL REPRESENTATION.

(5) BEGINNING NO LATER THAN DECEMBER 1 OF THE YEAR PRECEDING THE FEDERAL DECENNIAL CENSUS, AND CONTINUING EACH YEAR IN WHICH THE COMMISSION OPERATES, THE LEGISLATURE SHALL APPROPRIATE FUNDS SUFFICIENT TO COMPENSATE THE COMMISSIONERS AND TO ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS, OPERATIONS AND ACTIVITIES, WHICH ACTIVITIES INCLUDE RETAINING INDEPENDENT, NONPARTISAN SUBJECT-MATTER EXPERTS AND LEGAL COUNSEL, CONDUCTING HEARINGS, PUBLISHING NOTICES AND MAINTAINING A RECORD OF THE COMMISSION'S PROCEEDINGS, AND ANY OTHER ACTIVITY NECESSARY FOR THE COMMISSION TO CONDUCT ITS BUSINESS, AT AN AMOUNT EQUAL TO NOT LESS THAN 25 PERCENT OF THE GENERAL FUND/GENERAL PURPOSE BUDGET FOR THE SECRETARY OF STATE FOR THAT FISCAL YEAR. WITHIN SIX MONTHS AFTER THE CONCLUSION OF EACH FISCAL YEAR, THE COMMISSION SHALL RETURN TO THE STATE TREASURY ALL MONEYS UNEXPENDED FOR THAT FISCAL YEAR. THE COMMISSION SHALL FURNISH REPORTS OF EXPENDITURES, AT LEAST ANNUALLY, TO THE GOVERNOR AND THE LEGISLATURE AND SHALL BE SUBJECT TO ANNUAL AUDIT AS PROVIDED BY LAW. EACH COMMISSIONER SHALL RECEIVE COMPENSATION AT LEAST EQUAL TO 25 PERCENT OF THE GOVERNOR'S SALARY. THE STATE OF MICHIGAN SHALL INDEMNIFY COMMISSIONERS FOR COSTS INCURRED IF THE LEGISLATURE DOES NOT APPROPRIATE SUFFICIENT FUNDS TO COVER SUCH COSTS.

(6) THE COMMISSION SHALL HAVE LEGAL STANDING TO PROSECUTE AN ACTION REGARDING THE ADEQUACY OF RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION, AND TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN. THE COMMISSION SHALL INFORM THE LEGISLATURE IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR OPERATION OF THE COMMISSION ARE NOT ADEQUATE. THE LEGISLATURE SHALL PROVIDE ADEQUATE FUNDING TO ALLOW THE COMMISSION TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN.

(7) THE SECRETARY OF STATE SHALL ISSUE A CALL CONVENING THE COMMISSION BY OCTOBER 15 IN THE YEAR OF THE FEDERAL DECENNIAL CENSUS. NOT LATER THAN NOVEMBER 1 IN THE YEAR IMMEDIATELY FOLLOWING THE FEDERAL DECENNIAL CENSUS, THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN UNDER THIS SECTION FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS.

(8) BEFORE COMMISSIONERS DRAFT ANY PLAN, THE COMMISSION SHALL HOLD AT LEAST TEN PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF INFORMING THE PUBLIC ABOUT THE REDISTRICTING PROCESS AND THE PURPOSE AND RESPONSIBILITIES OF THE COMMISSION AND SOLICITING INFORMATION FROM THE PUBLIC ABOUT POTENTIAL PLANS. THE COMMISSION SHALL RECEIVE FOR CONSIDERATION WRITTEN SUBMISSIONS OF PROPOSED REDISTRICTING PLANS AND ANY SUPPORTING MATERIALS, INCLUDING UNDERLYING DATA, FROM ANY MEMBER OF THE PUBLIC. THESE WRITTEN SUBMISSIONS ARE PUBLIC RECORDS.

(9) AFTER DEVELOPING AT LEAST ONE PROPOSED REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT, THE COMMISSION SHALL PUBLISH THE PROPOSED REDISTRICTING PLANS AND ANY DATA AND SUPPORTING MATERIALS USED TO DEVELOP THE PLANS. EACH COMMISSIONER MAY ONLY PROPOSE ONE REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT. THE COMMISSION SHALL HOLD AT LEAST FIVE PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF SOLICITING COMMENT FROM THE PUBLIC ABOUT THE PROPOSED PLANS. EACH OF THE PROPOSED PLANS SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND A MAP AND LEGAL DESCRIPTION THAT INCLUDE THE POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNSHIPS; MAN-MADE FEATURES, SUCH AS STREETS, ROADS, HIGHWAYS, AND RAILROADS; AND NATURAL FEATURES, SUCH AS WATERWAYS, WHICH FORM THE BOUNDARIES OF THE DISTRICTS.

(10) EACH COMMISSIONER SHALL PERFORM HIS OR HER DUTIES IN A MANNER THAT IS IMPARTIAL AND REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS. THE COMMISSION SHALL CONDUCT ALL OF ITS BUSINESS AT OPEN MEETINGS. NINE COMMISSIONERS, INCLUDING AT LEAST ONE COMMISSIONER FROM EACH SELECTION POOL SHALL CONSTITUTE A QUORUM, AND ALL MEETINGS SHALL REQUIRE A QUORUM. THE COMMISSION SHALL PROVIDE ADVANCE PUBLIC NOTICE OF ITS MEETINGS AND HEARINGS. THE COMMISSION SHALL CONDUCT ITS HEARINGS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION THROUGHOUT THE STATE. THE COMMISSION SHALL USE TECHNOLOGY TO PROVIDE CONTEMPORANEOUS PUBLIC OBSERVATION AND MEANINGFUL PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS DURING ALL MEETINGS AND HEARINGS.

(11) THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, AND CONSULTANTS SHALL NOT DISCUSS REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC OUTSIDE OF AN OPEN MEETING OF THE COMMISSION, EXCEPT THAT A COMMISSIONER MAY COMMUNICATE ABOUT REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC TO GAIN INFORMATION RELEVANT TO THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH COMMUNICATION OCCURS (A) IN WRITING OR (B) AT A PREVIOUSLY PUBLICLY NOTICED FORUM OR TOWN HALL OPEN TO THE GENERAL PUBLIC.

THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, EXPERTS, AND CONSULTANTS MAY NOT DIRECTLY OR INDIRECTLY SOLICIT OR ACCEPT ANY GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE GREATER THAN \$20 FOR THE BENEFIT OF ANY PERSON OR ORGANIZATION, WHICH MAY INFLUENCE THE MANNER IN WHICH THE COMMISSIONER, STAFF, ATTORNEY, EXPERT, OR CONSULTANT PERFORMS HIS OR HER DUTIES.

(12) EXCEPT AS PROVIDED IN PART (14) OF THIS SECTION, A FINAL DECISION OF THE COMMISSION REQUIRES THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS. A DECISION ON THE DISMISSAL OR RETENTION OF PAID STAFF OR CONSULTANTS REQUIRES THE VOTE OF AT LEAST ONE COMMISSIONER AFFILIATING WITH EACH OF THE MAJOR PARTIES AND ONE NON-AFFILIATING COMMISSIONER. ALL DECISIONS OF THE COMMISSION SHALL BE RECORDED, AND THE RECORD OF ITS DECISIONS SHALL BE READILY AVAILABLE TO ANY MEMBER OF THE PUBLIC WITHOUT CHARGE.

(13) THE COMMISSION SHALL ABIDE BY THE FOLLOWING CRITERIA IN PROPOSING AND ADOPTING EACH PLAN, IN ORDER OF PRIORITY:

(A) DISTRICTS SHALL BE OF EQUAL POPULATION AS MANDATED BY THE UNITED STATES CONSTITUTION, AND SHALL COMPLY WITH THE VOTING RIGHTS ACT AND OTHER FEDERAL LAWS.

(B) DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS. ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY OF WHICH THEY ARE A PART.

(C) DISTRICTS SHALL REFLECT THE STATE'S DIVERSE POPULATION AND COMMUNITIES OF INTEREST. COMMUNITIES OF INTEREST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, POPULATIONS THAT SHARE CULTURAL OR HISTORICAL CHARACTERISTICS OR ECONOMIC INTERESTS. COMMUNITIES OF INTEREST DO NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.

(D) DISTRICTS SHALL NOT PROVIDE A DISPROPORTIONATE ADVANTAGE TO ANY POLITICAL PARTY. A DISPROPORTIONATE ADVANTAGE TO A POLITICAL PARTY SHALL BE DETERMINED USING ACCEPTED MEASURES OF PARTISAN FAIRNESS.

(E) DISTRICTS SHALL NOT FAVOR OR DISFAVOR AN INCUMBENT ELECTED OFFICIAL OR A CANDIDATE.

(F) DISTRICTS SHALL REFLECT CONSIDERATION OF COUNTY, CITY, AND TOWNSHIP BOUNDARIES.

(G) DISTRICTS SHALL BE REASONABLY COMPACT.

(14) THE COMMISSION SHALL FOLLOW THE FOLLOWING PROCEDURE IN ADOPTING A PLAN:

(A) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL ENSURE THAT THE PLAN IS TESTED, USING APPROPRIATE TECHNOLOGY, FOR COMPLIANCE WITH THE CRITERIA DESCRIBED ABOVE.

(B) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF EACH PLAN THAT WILL BE VOTED ON AND PROVIDE AT LEAST 45 DAYS FOR PUBLIC COMMENT ON THE PROPOSED PLAN OR PLANS. EACH PLAN THAT WILL BE VOTED ON SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION.

(C) A FINAL DECISION OF THE COMMISSION TO ADOPT A REDISTRICTING PLAN REQUIRES A MAJORITY VOTE OF THE COMMISSION, INCLUDING AT LEAST TWO COMMISSIONERS WHO AFFILIATE WITH EACH MAJOR PARTY, AND AT LEAST TWO COMMISSIONERS WHO DO NOT AFFILIATE WITH EITHER MAJOR PARTY. IF NO PLAN SATISFIES THIS REQUIREMENT FOR A TYPE OF DISTRICT, THE COMMISSION SHALL USE THE FOLLOWING PROCEDURE TO ADOPT A PLAN FOR THAT TYPE OF DISTRICT:

(I) EACH COMMISSIONER MAY SUBMIT ONE PROPOSED PLAN FOR EACH TYPE OF DISTRICT TO THE FULL COMMISSION FOR CONSIDERATION.

(II) EACH COMMISSIONER SHALL RANK THE PLANS SUBMITTED ACCORDING TO PREFERENCE. EACH PLAN SHALL BE ASSIGNED A POINT VALUE INVERSE TO ITS RANKING AMONG THE NUMBER OF CHOICES, GIVING THE LOWEST RANKED PLAN ONE POINT AND THE HIGHEST RANKED PLAN A POINT VALUE EQUAL TO THE NUMBER OF PLANS SUBMITTED.

(III) THE COMMISSION SHALL ADOPT THE PLAN RECEIVING THE HIGHEST TOTAL POINTS, THAT IS ALSO RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS NOT AFFILIATED WITH THE PARTY OF THE COMMISSIONER SUBMITTING THE PLAN, OR IN THE CASE OF A PLAN SUBMITTED BY NON-AFFILIATED COMMISSIONERS, IS RANKED AMONG THE TOP HALF OF PLANS BY AT LEAST TWO COMMISSIONERS AFFILIATED WITH A MAJOR PARTY. IF PLANS ARE TIED FOR THE HIGHEST POINT TOTAL, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM THOSE PLANS. IF NO PLAN MEETS THE REQUIREMENTS OF THIS SUBPARAGRAPH, THE SECRETARY OF STATE SHALL RANDOMLY SELECT THE FINAL PLAN FROM AMONG ALL SUBMITTED PLANS PURSUANT TO PART (14)(C)(I).

(15) WITHIN 30 DAYS AFTER ADOPTING A PLAN, THE COMMISSION SHALL PUBLISH THE PLAN AND THE MATERIAL REPORTS, REFERENCE MATERIALS, AND DATA USED IN DRAWING IT, INCLUDING ANY PROGRAMMING INFORMATION USED TO PRODUCE AND TEST THE PLAN. THE PUBLISHED MATERIALS SHALL BE SUCH THAT AN INDEPENDENT PERSON IS ABLE TO REPLICATE THE CONCLUSION WITHOUT ANY MODIFICATION OF ANY OF THE PUBLISHED MATERIALS.

(16) FOR EACH ADOPTED PLAN, THE COMMISSION SHALL ISSUE A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECISIONS IN ACHIEVING COMPLIANCE WITH PLAN REQUIREMENTS AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION. A COMMISSIONER WHO VOTES AGAINST A REDISTRICTING PLAN MAY SUBMIT A DISSENTING REPORT WHICH SHALL BE ISSUED WITH THE COMMISSION'S REPORT.

(17) AN ADOPTED REDISTRICTING PLAN SHALL BECOME LAW 60 DAYS AFTER ITS PUBLICATION. THE SECRETARY OF STATE SHALL KEEP A PUBLIC RECORD OF ALL PROCEEDINGS OF THE COMMISSION AND SHALL PUBLISH AND DISTRIBUTE EACH PLAN AND REQUIRED DOCUMENTATION.

(18) THE TERMS OF THE COMMISSIONERS SHALL EXPIRE ONCE THE COMMISSION HAS COMPLETED ITS OBLIGATIONS FOR A CENSUS CYCLE BUT NOT BEFORE ANY JUDICIAL REVIEW OF THE REDISTRICTING PLAN IS COMPLETE.

(19) THE SUPREME COURT, IN THE EXERCISE OF ORIGINAL JURISDICTION, SHALL DIRECT THE SECRETARY OF STATE OR THE COMMISSION TO PERFORM THEIR RESPECTIVE DUTIES, MAY REVIEW A CHALLENGE TO ANY PLAN ADOPTED BY THE COMMISSION, AND SHALL REMAND A PLAN TO THE COMMISSION FOR FURTHER ACTION IF THE PLAN FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS CONSTITUTION, THE CONSTITUTION OF THE UNITED STATES OR SUPERSEDING FEDERAL LAW. IN NO EVENT SHALL ANY BODY, EXCEPT THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION ACTING PURSUANT TO THIS SECTION, PROMULGATE AND ADOPT A REDISTRICTING PLAN OR PLANS FOR THIS STATE.

(20) THIS SECTION IS SELF-EXECUTING. IF A FINAL COURT DECISION HOLDS ANY PART OR PARTS OF THIS SECTION TO BE IN CONFLICT WITH THE UNITED STATES CONSTITUTION OR FEDERAL LAW, THE SECTION SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE UNITED STATES CONSTITUTION AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID IS SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

(21) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO EMPLOYER SHALL DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COERCE, OR RETALIATE AGAINST ANY EMPLOYEE BECAUSE OF THE EMPLOYEE'S MEMBERSHIP ON THE COMMISSION OR ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

(22) 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 THE COMMISSION ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE LEGISLATURE, 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 LEGISLATURE. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN THIS SECTION.

~~A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.~~

Eligibility to membership:

~~No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.~~

Appointment, term, vacancies:

~~The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.~~

Officers, rules of procedure, compensation, appropriation:

~~The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.~~

Call to convene; apportionment; public hearings:

~~Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.~~

Apportionment plan, publication; record of proceedings:

~~Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.~~

Disagreement of commission; submission of plans to supreme court:

~~If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.~~

Jurisdiction of supreme court on elector's application:

~~Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.~~

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.

§ 4 Commissions or agencies for less than 2 years.

Sec. 4. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE V, SECTION 2 OR ARTICLE IV, SECTION 6, TEMPORARY

commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

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.

Provisions of existing Constitution altered or abrogated by the proposal if adopted.

Article IV – Legislative Branch

§ 1 Legislative power.

Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

Senatorial districts, apportionment factors.

In districting the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state's population as shown by the last regular federal decennial census computed to the nearest one-one hundredth of one percent multiplied by four and its percentage of the state's land area computed to the nearest one-one hundredth of one percent.

Apportionment rules.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

(1) Counties with 13 or more apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

(2) Counties having less than 13 apportionment factors shall be entitled as a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. Such counties shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly as possible 13 apportionment factors, but in no event less than 10 or more than 16. Insofar as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.

(3) Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.

Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Representative areas, single and multiple county.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is isolated under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

Apportionment of representatives to areas.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Districting of single county area entitled to 2 or more representatives.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

(1) The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

(2) Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Districting of multiple county representative areas.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 4 Annexation or merger with a city.

Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.

§ 5 Island areas, contiguity.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

§ 6 Commission on legislative apportionment.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight electors, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at such election more than 25 percent of such gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Isabella, Mecosta, Newaygo and Oceana; (3) southwestern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, the remaining counties of the state.

Eligibility to membership.

No officers or employees of the federal, state or local governments, excepting notaries public and members of the armed forces reserve, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

Appointment, term, vacancies.

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

Officers, rules of procedure, compensation, appropriation.

The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Call to convene; apportionment; public hearings.

Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to district and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Apportionment plan, publication; record of proceedings.

Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

Disagreement of commission; submission of plans to supreme court.

If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall determine which plan complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission and published as provided in this section.

Jurisdiction of supreme court on elector's application.

Upon the application of any elector filed not later than 60 days after final publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Article V – Executive Branch

§1 Executive power.

Sec. 1. 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.

§ 4 Commissions or agencies for less than 2 years.

Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Article VI – Judicial Branch

§ 1 Judicial power in court of justice; divisions.

Sec. 1. 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. 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.

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September 28, 2017

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Executive Division
Department of Attorney General
P.O. Box 30212
Lansing, MI 48909

Re: Rebuttal to Department of State's Answer dated September 21, 2017

Dear Ms. Nelson:

It is for the Courts not the Board of State Canvassers, nor the staff of the Bureau of Elections, nor any Assistant Attorneys General that are assigned to assist the Bureau of Elections, to determine whether a proposed constitutional amendment has met the constitutional requirement found in Article XII, Section 2 regarding existing provisions of the Constitution which will be altered or abrogated thereby.

In fact, the minutes of the August 17, 2017 meeting of the Board of State Canvassers reflect the following:

The Board approved the form of the initiative petition to amend the State Constitution as submitted by Voters Not Politicians with the understanding that the Board's approval does not extend to: (1) The substance of the proposal which appears on the petition; or (2) the substance of the summary of the proposal which appears on the signature side of the petition; or (3) The manner in which the proposal language is affixed to the petition; or (4) **Whether the petition properly characterizes those provisions of the Constitution that are altered or abrogated by the proposal if adopted.** Moved by Pero; supported by Matuzak. Ayes: Shinkle, Matuzak, Pero, Bradshaw. Nays; None. Motion carried.

So why did the staff of the Bureau of Elections over a 55-day time period review six drafts submitted by Voters Not Politicians concentrating on those provisions of the Constitution that are altered or abrogated by the proposed amendment if adopted?

The Director of Elections in her answer to the Complaint says republication of those provisions of the Constitution that are altered or abrogated is just a part of the technical form of the petition, not the text or body of the proposal itself. Funny, the word "republication" does not appear in the Department's 14-page publication *Initiative and Referendum Petitions*. Nowhere in that 14-page document is there any discussion that staff review of technical formatting issues also includes review of the sponsor's determination that a provision of the Constitution is altered or abrogated. She alone has redefined in her Answer the scope of technical formatting requirements.

Ms. Margaret Nelson
September 28, 2017
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The Director of Elections is correct, I do claim that Bureau staff must abstain from assessing whether a petition proposing a constitutional amendment has either accurately or completely included those provisions of the Constitution that have been altered or abrogated. The Director states on page 3 of her Answer:

“My staff and I questioned VNP on its legal rationale for republishing certain provisions as “abrogated,” so as to understand why VNP believed its proposal would abrogate the republished sections of the Constitution. We learned that the Bureau and VNP had a fundamental difference of opinion regarding the legal interpretation of “abrogated” and in the end, the Bureau and VNP were unable to reach a common understanding of the meaning of that term.”

That’s was not her job or that of her staff.

I submit that the Bureau should have never engaged in such consultations on altered or abrogated issues with VNP. Those issues were for VNP to pay for on their own in consultation with VNP legal counsel. Ultimately, it is for the Courts to review altered or abrogated not the bureaucracy.

If approval as to form by the Board of State Canvassers, specifically excludes whether the petition properly characterizes those provisions of the Constitution that are altered or abrogated by the proposal if adopted, why did the staff engage in such discussions on that part of the petition? The staff review should have been limited in scope to seeing if an altered or abrogated section on the petition had been included. That is form not substance.

Normally staff review of a petition as to form consists of examining the following: the identification of the type of the petition, the heading of petition, warning to petition signers, entry spaces for signers, circulator’s statement, warning to circulators, space for circulator’s signature and address, and identification of petition. The staff review also includes petition design options such as extension for instructional and/or promotional language, accommodation of lengthy initiatives and referendums, clarification of constitutional amendment, legislative proposal or referendum of legislation, modification in column headings over signers’ entry lines, presentation of circulator’s statement in first person, modifications in circulator’s entry lines, reduction number of entry lines for signers, type size and font.

It is not uncommon for the Bureau of Elections to recommend approval as to form for a petition to the Board of State Canvassers after just twenty-four hours of review. This one looked at six drafts over a six-week period.

The Director attempts to make the argument that for nearly fifty years the Bureau has engaged in these consultations with countless petition sponsors without drawing a single Campaign Finance Act complaint. I’ve heard that before. The State Bar of Michigan, as a public body, offered a similar defense, that’s the way we’ve always done it, to me when a complaint was filed over its illegal establishment and administration of LAW PAC in 1998.

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The Director even asserts that approval as to form pre-dates the enactment of Sec. 57 of the MCFA (1995 PA 264). Had the legislature perceived this technical review process to be an illegal contribution or expenditure of public resources, it could have explicitly barred the practice then or in any of the 22 years that have elapsed since its enactment. The Director conveniently omits the fact that she has just redefined the scope of technical formatting issues to include a review of a petition sponsor's determination that a provision of the Constitution is altered or abrogated.

The Director in her Answer included some enlightening email back and forth between Mellissa Malerman and VNP Legal Counsel James Lancaster during this 55-day staff review.

We learn of the deep involvement of the AG'S office in reviewing the alter and abrogate issues raised in the VNP petition. Had I had such knowledge on August 24, 2017, I would have included the Office of Attorney General, as a public body, along with the Department of State and the Bureau of Elections in my complaint.

I acknowledge your notification of September 25, 2017, to me that a conflict wall has been created within the Department of Attorney General preventing those Assistant Attorneys General who regularly represent the Secretary of State and Bureau of Elections from accessing this file or discussing your complaint and all related materials with me.

The email exchanges explain why the Director has invented her republication defense. If staff consultation on technical formatting issues does not include consultation with VNP counsel and leadership on provisions in the VNP petition related to where the Constitution has been altered or abrogated, the Bureau of Elections has provided a service to VNP that amounts to an in-kind contribution violating Section 57 of the MCFA. It is as simple as that.

Here are excerpts from the email exchanges the Director included in her Answer.

In a June 24, 2017 email at 3:40 p.m. to James Lancaster, Mellissa Malerman wrote:

When you're ready, we do need to see the full text of the proposal and summary-we need to ensure that the summary is accurate. We will also consider whether the petition includes all the provisions of the existing constitution that are altered or abrogated, but the primary responsibility for this task falls to the sponsor. Looking forward to your next submission!

James Lancaster responded to her on July 14, 2017 at 2:44 beginning with:

"Thanks for your input re the abrogation process." Later in the email Lancaster says, "I sent you two emails on June 28, 2017. The first email forwarded the revised signature page, containing the edits you asked for. The second email was the language of the proposal. It was in an 8.5" x 11" word document; I sent it in this format because it was my understanding that this would be easier for you and the AG staff to review, **as the AG would be looking not so much at the "form" of the petition (margins, statutorily required language, etc) but to the substance; specifically, as to whether we had republished all of the sections of the Constitution that should be abrogated by our proposal...**

Ms. Margaret Nelson
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The only substantive question I have for you, and the AG, regards Article V. You are aware of this issue, so I don't think we need to discuss this further...

As you recall, in early February, you and I had an email exchange about this informal review and the BSC approval process. Your response to me at that time was that your office tries to have a 24 hour turnaround. With respect to the signature page of the petition (which I understand only your office, and not the AG review) it was completed very promptly. We appreciate that. And it is our understanding the BOE is satisfied with the form of the signature page.

So, the only issues holding up the completion of the review of our petition is the delay caused by the AG's office of the abrogation issues.

The SOS guidance document states that your office's review only involves the form, and not the substance of the request. I have informed my client that this is not, strictly speaking correct. The analysis of the abrogation issues being conducted by the AG does involve the substance of our proposal. So, I have advised my client that it would not be reasonable to expect a 24 hour turnaround on this.

On July 13,2017 at 1:58 Mellissa Malerman emailed James Lancaster:

I spoke with the Attorney General's office yesterday. Their review of the petition is ongoing, but the election attorneys who assisted us in these matters are working on other matters with pressing deadlines that will occupy much of their time for the next few days/weeks. One question they are considering is whether it is necessary to republish Art. IV Sec. 1, given that practically every proposed constitutional amendment limits the legislature's ability to pass a law—I don't have a resolution on that point but wanted to give you an opportunity to think about it.

On July 14, 2017, at 2:19 p.m. James Lancaster emailed Mellissa Malerman back:

Did you talk to them about Article V, Section 4? If not, could you?
As we discussed yesterday, I have to send you a new version fixing the typo I mentioned.
If they were inclined to opine that it is necessary to republish Art V, Section 4, I would like to include that as well.

On July 24, 2017 at 11:49 a.m. Mellissa Malerman emailed James Lancaster:

Thank you for sending your revision. Please note that the following are in need of correction:

1. As a reminder/follow up to my email from Friday (7/21), you are required to make a change to the body of the petition. You cannot amend Article V, Section 2 by reference, by adding new language "to the end of Article, Section 2." You must include the full text of that provision with your proposed language shown at the end (see p.5).
2. There is a typo on p.7 ("unctions").
3. The indentation of subsection (2)(c) of Art IV Sec. 4 does not match the rest of the petition. Please correct.

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We expect we will be able to discuss the abrogation issue with you on Friday (7/28). What time might you be available to come over to our office in the afternoon? If you prefer, we can arrange to discuss by phone-just let me know.

[DIRECTOR WILLIAMS EXPLAINS AWAY THE ABOVE COMMUNICATION ON PAGES 4 AND 5 OF HER ANSWER AS MERELY A NOMINAL MODIFICATION AND IF AN EXPENDITURE OCCURRED, IF AT ALL, IT WAS ONLY INCIDENTAL TO THE QUALIFICATION, PASSAGE OR DEFEAT OF A BALLOT QUESTION]

On July 25, 2017 at 12:29 p.m. James Lancaster emailed Mellissa Malerman:

With respect to the change re Article 5, Section 2, am I correct in understanding that we need to republish the existing language both on page 5, and at the end on page 7? It's not a problem, I just want to make sure I am understanding what you are asking for. We will of course make the other two changes you pointed out

On July 27, 2017 at 11: 56 a.m. James Lancaster emailed Mellissa Malerman:

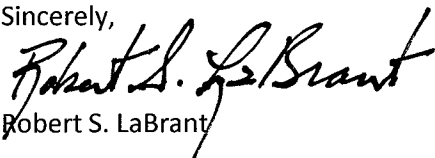
Attached is a revised version of the proposal. If you are in the office today, I trust Sally and Lori shared with you that I met with them yesterday, and they addressed the question I posed to you about Article V, Section 2. The proposal has been changed to reflect that discussion...

Let me conclude this rebuttal with the following points.

1. The July 2017 14-page publication *INITIATIVES AND REFERENDUM PETITIONS* makes no reference to republication as part of the technical formatting requirements that the Bureau of Elections offers staff consultations with petition sponsors.
2. The Board of State Canvassers in their motion approving as to form the VNP petition specifically excluded whether the petition properly characterized those provisions of the Constitution that are altered or abrogated by the proposal if adopted.
3. The Bureau of Elections has taken the concept of staff consultations with petition sponsors on technical formatting issues and expanded it into one where the staff was free to critique and suggest modifications to the petition where it identifies provisions in the Constitution are altered or abrogated.
4. This expanded service by the Bureau assists the petitioner because the likelihood of a successful legal challenge on the altered and abrogated language is diminished by the expenditure of public body resources. Government is to be a neutral not a publicly financed legal counsel to a petition drive.

I respectfully urge that after completing your investigation, you find there may be reason to believe that Section 57 of the MCFA (MCL 169.257) has been violated.

Sincerely,


Robert S. LaBrant



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

October 16, 2017

Margaret Nelson, Assistant Attorney General
Complex Litigation Manager
Executive Division
Department of Attorney General
P.O. Box 30212
Lansing, Michigan 48909

Re: August 24, 2017 Robert LaBrant Campaign Finance Complaint

Dear Ms. Nelson:

The Secretary of State and Bureau of Elections (Bureau) acknowledge receipt of your letter dated October 2, 2017, which included a copy of the rebuttal statement filed by Mr. Robert LaBrant. In order to correct some misinformation provided in the rebuttal statement, this letter serves to provide clarification and response from the Department of State on this matter.

After reviewing Mr. LaBrant's rebuttal, I must re-emphasize the fact that the Bureau of Elections did nothing to change its standard process or break new ground during the review process of the *Voters not Politicians* proposed Constitutional amendment petition. The Bureau's standard process for reviewing draft Constitutional amendment petitions is clearly within the law and cannot be construed as a violation of the Campaign Finance Act. The Bureau's actions are a logical application of the law, and include examination of the existing Constitutional provisions the sponsor lists as altered or abrogated by the proposal. The Bureau's [instructional publication](#), used by petition sponsors and drafters, specifically lists these requirements under the "Standard Format" portion of the document (see page 6 of the publication). Reviewing this portion of a Constitutional amendment proposal sometimes involves asking for clarification or questioning the reasoning for listing specific provisions as altered or abrogated. This level of review does not equate to assisting petition sponsors with drafting their actual language, and at no time did the Bureau draft language. No evidence has been provided to corroborate the assertion that the Bureau has done anything different in this case; and several previous examples are available to confirm that the Bureau routinely takes this step in its review of proposed Constitutional amendment petitions. The complainant has contrived and provided only unsubstantiated assumptions related to a process that he was not, in any way, directly involved in.

The Bureau takes its role in this process very seriously and works meticulously to ensure every petition it receives is thoroughly reviewed and confirmed, to the best of our ability, to have met the standard formatting requirements as outlined in Michigan Election Law ([MCL 168.482](#)). Each version that is presented to our office is subjected to this detailed process. It is not at all unreasonable, given the number of revisions presented by the *Voters not Politicians* petition sponsor, the overall length and complexity of each draft, and the timing respective to when each version was submitted to our office, that the entire process for fully reviewing six separate (and equally lengthy and complex) drafts took 55 days.

Additionally, we do not agree with the assertion that it is the court's role alone to determine whether specific Constitutional provisions are altered or abrogated by a proposed Constitutional amendment. The long standing review process is an appropriate function of the state. Courts have never instructed the Board of State Canvassers, Secretary of State or Bureau of Elections to refrain from considering a petition's compliance with the identification and republication requirements of altered and abrogated provisions. Case law firmly establishes that the Board has a duty to reject a proposal to amend the Constitution if the petition sponsor fails to republish a Constitutional provision that would be altered or abrogated. Also, the Michigan Supreme Court has confirmed that it would be overly burdensome to expect petition sponsors to obtain a judicial determination regarding alter or abrogate at the pre-circulation stage:

Nonetheless, because the application of the[] terms [alter or abrogate] continues to be a cause for debate, we take this opportunity to provide additional clarity. We must take care to enforce the constitutional and statutory petition safeguards that exist to ensure that voters are adequately informed as they exercise their right to amend the Constitution. In doing so, we have reasoned that "the ordinary elector, not being a constitutional lawyer, would be confused rather than helped by a publication of all the other constitutional provisions which were or might be directly or only remotely, and possibly only contingently, affected by the proposed amendment." **We also must use caution not to usher in an interpretation by which we would "effectively require a petition circulator ... to secure a judicial determination of which provisions of the existing Constitution the proposed amendment would 'alter or abrogate.'"**¹

These statements should be weighed heavily when considering the practical application of the complainant's assertions. In my last response, I noted the statutory exceptions in the Michigan Campaign Finance Act that allow government officials to act in their official capacity, even when those duties intersect with election-related activities. Without steps that help to ensure technical error is minimized prior to circulation, petition sponsors (and voters who sign these petitions) are left with an extremely limited, high-risk framework for advancing their Constitutional rights; which would also work to eliminate the public's overall confidence in the initiative and referendum process. Additionally, what resources would then be available to the Board of State Canvassers in fulfilling their statutory duties? The arguments presented by the complainant are illogical and unworkable when considering the clear statutory requirements of the petition form and the Bureau's previously undisputed and well-established process and guidance. As I stated in my September 21 response, Bureau staff should be encouraged to detect and work with sponsors to rectify obvious technical deficiencies in the formatting of an initiative or referendum petition. To conclude otherwise would constitute an enormous disservice to petition sponsors, the voters who sign their petitions, and the volunteers and staff who circulate the petitions.

In closing, please consider the points outlined above and also refer to my response dated September 21, 2017 to address Mr. LaBrant's remaining claims in his rebuttal statement (which again, provides no new facts or supporting evidence). Thank you.

Sincerely,



Sally Williams
Director of Elections

c: Secretary of State Ruth Johnson

¹ *Protect Our Jobs v Board of State Canvassers*, 492 Mich 763, 781 (2012).

ROBERT S. LABRANT

12411 Pine Ridge Drive Perry, Michigan 48872
Phone: (517) 881-5146 • E-mail: bob@boblabrant.com

October 18, 2017

Margaret Nelson, Assistant Attorney General
Complex Litigation Manager
Executive Division
Department of Attorney General
P.O. Box 30212
Lansing, MI 48909

Dear Ms. Nelson:

Sally Williams' Rebuttal to my Rebuttal is yet another example of the Bureau of Elections (BOE) engaged in mission creep and not following the rules that staff thinks do not apply to them. In my Complaint, I have the burden of proof, she gets to Answer my Complaint. The statute in Sec. 15 (5) of the MCFA says I may submit a Rebuttal. Sec. 15 does not give her another opportunity to respond. Section 15 is the equivalent of court rules. The rules tell the parties in advance the process. In a non- Section 15(9) determination, can Ms. Williams point to any instance on the Department's own website under resolved complaints where the Department of State exercised its discretion to permit a party to file a rebuttal to a rebuttal? What little Latin I picked up in law school was in conjunction with statutory construction. *Expressio Unius Est Exclusion Alterius* probably settles whether Ms. Williams should have been given another bite at the apple. Whether you had the discretion yourself to rewrite section 15 to allow her October 16th submission, I leave for you to ponder.

Back when she filed her first Answer, Ms. Williams decided she needed to redefine technical formatting issues to include republication as the justification for all the time and expense involved in the staff's 55-day review of altered or abrogated issues with the petitioner VNP, even though the Board of State Canvassers approval as to form does not extend to whether the petition properly characterizes those provisions that are altered or abrogated by the proposal.

Ms. Williams was practicing what some observers might label as the iron law of bureaucracy. Expansion of mission leads eventually down the road to a later expansion in staff. The Bureau of Elections was acting like a Legal Zoom franchise consulting with petitioners on areas of the Michigan Constitution that would be altered or abrogated by a proposal even though the SBOC approval as to form does not extend to whether the petition properly characterizes those provisions as altered or abrogated. The BOSC in giving approval as to form just wants to see on a constitutional amendment petition that an altered or abrogated section appears not whether it properly characterized those provisions. The key difference between Legal Zoom and BOE is petitioners don't have to pay for their legal consultations, the taxpayers of Michigan pick up the tab. Sounds like a classic Section 57 violation.

Ms. Williams in her Rebuttal-Rebuttal quotes a portion of Justice Zahra's opinion in *Protect Our Jobs v State Board of Canvassers* as somehow a call by the Court for full vetting of each petition by the BOE.

So how come the Department of State in its July 2017 publication *Initiative & Referendum Petitions*

Ms. Margaret Nelson
October 18, 2017
Page 2

makes no mention of this service being part of the staff's consultative services for petitioners seeking approval as to form? Why didn't the Board of State Canvassers, after all this through and meticulous vetting by BOE, attest in their resolution approving the VNP petition as to form, that the petition properly characterizes those provisions that are altered or abrogated by the proposal?

Because it has no authority to do so.

Since the Michigan Supreme Court's 2012 opinion in *Protect Our Jobs*, the BOE has requested no statutory changes; promulgated no administrative rules; made no mention in the July 2017 publication *Initiative and Referendum Petitions* that staff will work with petitioners so that altered and abrogated provisions of the Constitution are properly characterized; and has recommended no changes in the practices and procedures for the State Board of Canvassers to follow when it adopts resolutions approving petitions as to form to include an attestation that the petition properly characterizes those provisions of the Constitution that are altered or abrogated by the proposal.

The BOE never conceived it might have a Section 57 problem providing all this free legal service, outside of reviewing traditional formatting issues, to a petitioner. After all, they enforce the MCFA. This complaint may be the first time Sec. 15(9) has been invoked. A July 14, 2017 email between James Lancaster, representing VNP and Mellissa Malerman, of BOE illustrates the problem.


LANCASTER: The SOS guidance document states that your office's review only involves the form, and not the substance of the request. I have informed my client that this is not, strictly speaking correct. The analysis of the abrogation issues being conducted by the AG does involve the substance of our proposal. So, I have advised my client that it would not be reasonable to expect a 24 hour turnaround on this.

Ms. Williams did not provide in her Answer any email from Mellissa Malerman back to James Lancaster disabusing him of his observation.

I will repeat again a statement I made in my first Rebuttal, government is to be neutral not a publicly financed legal counsel to a petition drive.

I respectfully urge that after completing your investigation, you find that there may be reason to believe that Section 57 of the MCFA (MCL 169.257) has been violated and that in accord with Sec. 15 (5) of the MCFA that you endeavor to correct the violation or prevent a further violation by using informal methods such as conference, conciliation, or persuasion and enter into a conciliation agreement with the Bureau of Elections and the Department of State.

Sincerely,


Robert S. LaBrant

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30212
LANSING, MICHIGAN 48909

BILL SCHUETTE
ATTORNEY GENERAL

December 21, 2017

CORRECTED

Ruth Johnson
Secretary of State
Department of State
Richard H. Austin Bldg.
430 W. Allegan, 4th Floor
Lansing, MI 48918

Sally Williams
Director, Bureau of Elections
Department of State
Richard H. Austin Bldg.
430 W. Allegan, 1st Floor
Lansing, MI 48918

Re: Robert LaBrant August 24, 2017 Campaign Finance Complaint

Dear Ms. Johnson and Ms. Williams:

The August 24, 2017 Campaign Finance Complaint filed by Robert LaBrant identifies the alleged violator as the "Secretary of State; Bureau of Elections." However, there are no allegations specific to the Secretary of State personally or to individuals within the Bureau of Elections. Rather, the allegations are addressed to the Department of State's Bureau of Elections as a "public body." (Complaint, Alleged Violations, ¶ 1.) Because this Complaint involves an administrative arm of the Department of State, it was referred to the Attorney General "to determine whether a violation of this act has occurred." MCL 169.215(9).

The Department of Attorney General has considered all the written statements and documentary evidence provided by the parties in this matter and finds no reason to believe that a violation of the Campaign Finance Act (MCFA), MCL 169.201, *et seq* occurred and terminates these proceedings. MCL 169.215(10).

ALLEGATIONS

The Complaint arises from the "approval as to form process" provided by the Bureau of Elections and described in the Department of State's July 2017 publication "Initiative and Referendum Petitions" (Publication) (Compl § 8;

Attachment 1). On June 28, 2017, Voters Not Politicians (VNP) submitted a draft Petition for review under the “approval as to form” process described in the Publication at page 2. This Complaint does not challenge the lawfulness of the “approval as to form” process itself, only the alleged actions of the Bureau of Elections’ staff in applying that process to VNP’s Petition. The complaint alleges the Bureau of Elections is a public body that has provided services - specifically staff legal review - to the sponsor of a ballot question during the “qualification” phase of their ballot campaign; that these services “went far beyond formatting issues” and provided suggestions and critiques of the text in the proposal including identifying those provision of the Constitution that would be altered or abrogated by the proposal; these services at a minimum are a prohibited contribution, expenditure or in kind contribution as defined in the MCFA. MCL 169.204(1), 206(1) and 209(2); and exceed the consultative role described in the July 2017 Publication; and that this violation is established by both the length of time (55 days) to complete the review and number of draft Petitioners submitted by VNP before a final version was presented to the State Board of Canvassers for approval as to form.

ANALYSIS

The Department of State and separately its Bureau of Elections are each a “public body” as defined by the MCFA. “Public body” means “a state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.” MCL 169.211(7)(a). The MCFA prohibits a public body or a person acting for a public body from “using funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution MCL 169.257(1).

However, there is one exception that applies— “subject to subsection (3) [MCL 169.257(3)], the production or dissemination of factual information concerning issues relevant to the function of the public body” is not prohibited. MCL 169.257(1)(b). This exception is important to the Bureau of Election’s function in that it allows it to carry out its official government election-related duties. Otherwise, for example, every function and activity related to the petition process would violate § 57(1)’s prohibition.

The Complaint does not challenge the authority of the Bureau of Elections to provide “approval as to form” services. Such services necessarily involve the production or dissemination of factual information related to the Petition’s compliance with the requirements of the law. MCL 168.544c; MCL 168.544d; MCL 168.482. And while Michigan’s election law does not require the pre-approval of the

petition form, this service “greatly reduces the risk that signatures collected on the form will be ruled invalid due to formatting defects.” See, Initiative and Referendum Petitions, July 2017 Publication, p 2. This pre-approval process does not include a review of the language or summary of the proposed initiative or referendum itself, or the manner in which the proposal language is affixed to the petition. *Id.*

The Complaint challenges the services provided by the Bureau to VNP during the pre-approval process of its draft Petition claiming its conduct went far beyond formatting issues “and provided suggestions and critiques of the text in the proposal including, what in the Constitution was being altered or abrogated by the proposal.” The Complaint contends these services amounted to drafting or legal advice in violation of § 57. Yet, neither the Complaint, the Rebuttal nor the sur-Rebuttal filed in this matter provides evidence that supports these allegations. Rather, the complainant asserts the number of days (55) taken up with the review, the number of draft Petitions submitted to the Bureau during that time, and the statement by Sally Williams to the Board on August 17, 2017 indicating this was one of the most complex [petitions] presented in recent history suggest a violation has occurred. (Compl, Statement of Facts ¶ 8, Alleged Violation, ¶¶ 1, 5). But this is no more than unsubstantiated speculation.

First, while Ms. Williams’ statement as it appears in the August 17, 2017 transcript of the Board’s proceedings does indicate this was the most complex proposal presented in recent memory, she provided further explanation:

“... although our review process involves the legal requirements of the form itself the review process as you know for proposed constitutional amendment must also involve confirmation to the best of our ability that each section of the constitution that is either altered or abrogated by the proposal is included and listed on the reverse side of the form itself.” Transcript of 8-17-17 Board Mtg, p 9.

Ms. Williams also testified that a “good portion” of the discussion with the sponsor (VNP) involved these concepts—altered or abrogated—and staff had a difficult time coming to a common understanding with the sponsor as to what these terms mean. “So in an effort to continue moving forward the sponsors in their latest version have chosen to alter the proposed provisions that they have previously listed as abrogated.” *Id.* at 10. This does not describe legal advice but rather a difference of opinion as to which provisions are altered and which are described as abrogated that was resolved by the sponsor.

Significantly, the identification of any constitutional provision(s) that will be altered or abrogated by the proposed amendment is required to be included on the Petition

in a separate provision. While it is content, it is not part of the text of the proposed amendment itself. Furthermore, MCL 168.482(2), which requires this content, “demonstrates a clear intent that petitions for referendum, voter initiatives, and constitutional amendments strictly comply with the form and content requirements of the statute.” *Stand Up for Democracy v Secretary of State*, 492 Mich 588, 601, 601 (2012). See also, *Protect Our Jobs v Board of State Canvassers*, 492 Mich 763, 733 (2012). The purpose of the pre-approval process is to assure compliance with that clear statutory intent by identifying the altered or abrogated provisions and including the text of each on the form. And even when approved as to form, the Petition is still subject to legal challenge on this issue contrary to complainant’s contention.

Nor does length of time between the submission of the original draft Petition on June 28, 2017 and the Board’s August 17, 2017 meeting support or inform this complaint. It does not account for the timing of each draft submission, or other work within the Bureau at that time. In fact, 5 drafts were submitted for review in the approval as to form process—the original and 4 subsequent submissions. These subsequent draft submissions were spread out from mid- July to mid-August 2017, specifically July 13, 24 and 27 and August 10, 2017. A review of these drafts attached to the Response indicates the Bureau accurately describes the changes that were made with each draft. (Response, p 4). Only the changes made in draft 4 were suggested by the Bureau. Those changes corrected typographical errors identified by Bureau staff. Drafts 2 and 3—changing a deadline, adjusting the qualifications of commissioners, and republishing a new constitutional provision—were not requested by the Bureau. The changes in draft 5 corrected an error identified by VNP. *Id.* In addition to reviewing these various draft Petitions, the Bureau also managed an election and successfully implemented new voting systems in 11 counties. Transcript 8-17-17 Board Mtg, p 9.

Nothing in complainant’s rebuttal or sur-rebuttal submitted in this matter suggests a different result is warranted.

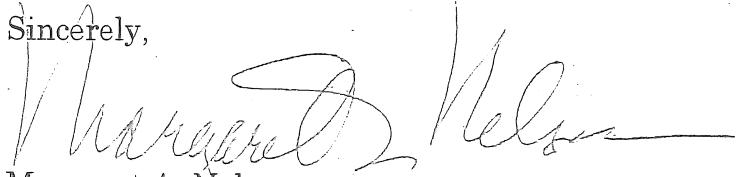
CONCLUSION

After reviewing all the written statements and documentary evidence provided by the parties in this matter together with the applicable law, the Department of Attorney General finds no reason to believe that a violation of the Campaign Finance Act (MCFA), MCL 169.201, *et seq* occurred and terminates these proceedings. MCL 169.215(10). This matter is closed.

Ruth Johnson
Sally Williams
Page 5
December 21, 2017

This conclusion must be posted on the Department of State's website by close of business December 26, 2017 which is 45 days after the receipt of the sur-rebuttal filed in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret A. Nelson". The signature is written in dark ink and is positioned above the typed name.

Margaret A. Nelson
Assistant Attorney General
Complex Case Manage
Solicitor General Division
(517) 373-1124

MAN:cnb

cc: William Kordenbrock
Robert LaBrant