

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

A proposal to amend the Michigan Constitution which, if adopted, would: Clarify the legal standard required in order for the government to deprive a person of life, liberty or property; Clarify the separation of powers, foundations and functions of government, rules of statutory interpretation, and the effect of emergencies on government; Enhance government accessibility, transparency and accountability; Return bill drafting to the legislators; Prohibit requirements upon employees or customers that are likely to impair health or safety; and Modify the requirements to serve as judge or on examining/licensing boards, and the jurisdiction of the various state courts. The proposal is to be voted on in the November 3, 2020 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 the constitution.

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

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					Month	Day	Year
1.							
2.							
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SAMPLE

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)

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

A proposal to amend the Michigan Constitution which, if adopted, would: Clarify the legal standard required in order for the government to deprive a person of life, liberty or property; Clarify the separation of powers, foundations and functions of government, rules of statutory interpretation, and the effect of emergencies on government; Enhance government accessibility, transparency and accountability; Return bill drafting to the legislators; Prohibit requirements upon employees or customers that are likely to impair health or safety; and Modify the requirements to serve as judge or on examining/licensing boards, and the jurisdiction of the various state courts.

The proposal, if adopted, would amend Art I §17; Art III §2; Art IV §§15, 18, 20, 34, 51; Art V §§5, 29; Art VI §§1, 13, 15, 19, 26, 28 as follows (new language CAPITALIZED, deleted language ~~struck out~~ with a line):

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

Article I - Declaration of Rights

§ 17 Self-incrimination; due process of law; fair treatment of investigations.

~~Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW. WHEN THE GOVERNMENT IS THE REQUESTING PARTY, SUCH PROCESS SHALL INCLUDE THE REQUESTING PARTY TO PROVE BEYOND A REASONABLE DOUBT THAT THE PERSON HAD DEPRIVED, OR IMMINENTLY THREATENS TO DEPRIVE, ANOTHER OF LIFE, LIBERTY OR PROPERTY. TIMES OF EMERGENCY, DISASTER, WAR, PUBLIC HEALTH CRISIS, PANDEMIC OR ANY OTHER EXTRAORDINARY CIRCUMSTANCE DO NOT CREATE A JUSTIFICATION FOR DEPRIVING INDIVIDUALS, OR THE GENERAL PUBLIC, OF THEIR CONSTITUTIONAL OR STATUTORY RIGHTS OR FOR MODIFYING THE PROCEDURES GUARANTEED UNDER STATE OR FEDERAL CONSTITUTIONS OR LAW. THEREFORE, The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.~~

Article III - General Government

§ 2 Separation of powers of government.

~~Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution. THIS APPLIES TO ALL LEVELS OF GOVERNMENT, WITH ABSOLUTELY NO EXCEPTIONS BUT FOR THOSE EXPRESSLY PROVIDED IN THIS CONSTITUTION. LEGISLATIVE POWER IS THE POWER TO FORMULATE PUBLIC POLICY, AND CREATE, ALTER AND REPEAL LAWS. EXECUTIVE POWER IS THE POWER TO ENFORCE THE US CONSTITUTION, THIS STATE CONSTITUTION, AND CONSTITUTIONAL LAWS. JUDICIAL POWER IS THE POWER TO INTERPRET AND APPLY THE PERTINENT PROVISIONS OF THE CONSTITUTION AND LAWS. EMERGENCY DOES NOT CREATE POWER IN THE GOVERNMENT, NOR INCREASE POWER GRANTED, NOR REMOVE OR DIMINISH THE RESTRICTIONS IMPOSED UPON POWER GRANTED OR RESERVED. NO GOVERNMENTAL POWERS MAY BE DELEGATED, INCLUDING BUT NOT LIMITED TO BOARDS, AGENCIES, OR OTHER BRANCHES OF GOVERNMENT, EXCEPT AS EXPRESSLY PROVIDED IN THIS CONSTITUTION.~~

§ 9. SUPREME LAW OF THE LAND.

~~SEC. 9. GUIDED BY THE DECLARATION OF INDEPENDENCE, THE US CONSTITUTION AND THIS STATE CONSTITUTION, IN THAT ORDER, ARE THE SUPREME LAW OF THE LAND. THESE FOUNDATIONAL DOCUMENTS ARE AS WELL ADAPTED TO PRESENT URGENCIES AND EMERGENCIES AS TO THOSE OF THE EARLY DAYS OF THE REPUBLIC. WHILE IN CERTAIN CIRCUMSTANCES, SOME PROVISIONS MAY SEEM INEXPEDIENT, THEY ARE BINDING NONETHELESS. CONSTITUTIONS CANNOT BE CHANGED BY EVENTS, EMERGENCIES OR JUDICIAL INTERPRETATIONS, BUT REMAIN BINDING UNTIL THEY ARE AMENDED BY THE ACTION PRESCRIBED BY THE AUTHORITY WHICH CREATED THEM. A CONSTITUTION'S MOST BASIC FUNCTIONS ARE TO CREATE THE FORM AND STRUCTURE OF GOVERNMENT, DEFINE AND LIMIT THE POWERS OF GOVERNMENT, AND PROVIDE FOR THE PROTECTION OF RIGHTS AND LIBERTIES. ANY "LAW" OR GOVERNMENTAL ACTION REPUGNANT TO THE SUPREME LAW OF THE LAND IS VOID. IN FACT, AN UNCONSTITUTIONAL ACT IS NOT A LAW; IT CONFERS NO RIGHTS; IT IMPOSES NO DUTIES; IT AFFORDS NO PROTECTION; IT CREATES NO OFFICE; IT IS, IN LEGAL CONTEMPLATION, AS INOPERATIVE AS THOUGH IT HAD NEVER BEEN PASSED. THIS IS BECAUSE THE PEOPLE, NOT THE GOVERNMENT, POSSESS THE ABSOLUTE SOVEREIGNTY.~~

§ 10. PREDICTABILITY AND ACCESSIBILITY OF LAW.

~~SEC. 10. ALL LAWS ENACTED OR REGULATION IMPOSED UPON THE PEOPLE SHALL BE REASONABLY UNDERSTANDABLE BY THE AVERAGE CITIZEN. THE PEOPLE SHALL BE GOVERNED BY THE US CONSTITUTION, THIS STATE CONSTITUTION, CONSTITUTIONAL PUBLIC ACTS OF THE LEGISLATURE, CONSTITUTIONALLY INITIATED LAWS ADOPTED BY THE PEOPLE, MICHIGAN COURT RULES AND MICHIGAN RULES OF EVIDENCE, AND THESE SHALL CONSTITUTE THE LAW APPLICABLE TO THE PEOPLE. GOVERNMENTAL INTERNAL OPERATING PROCEDURES, ADMINISTRATIVE RULES AND REGULATIONS, EXECUTIVE ORDERS, AND OTHER SIMILAR REGULATIONS SHALL HAVE NO REGULATORY AFFECT UPON THE PEOPLE. THE REQUIREMENTS OF SECTIONS 11 AND 12 OF THIS ARTICLE ALSO SERVE TO PROMOTE PREDICTABILITY AND ACCESSIBILITY OF THE LAW.~~

§ 11. INTERPRETATION.

~~SEC. 11. TO ENABLE THE PREDICTABILITY OF LAW AND RESPECT FOR THE SUPREME LAW OF THE LAND, THE FOLLOWING METHODS OF INTERPRETATION SHALL BE UTILIZED: ASSIGNING THE PLAIN MEANING OF THE TEXT OF THE DOCUMENT, AND UTILIZING DICTIONARIES AND PRIMARY SOURCE DOCUMENTS FROM THE TIME OF THE DOCUMENT'S ENACTMENT. LAWS THAT RELATE TO THE SAME SUBJECT MATTER OR SHARE A COMMON PURPOSE SHALL BE READ TOGETHER AS ONE LAW. IF TWO LAWS LEND THEMSELVES TO A CONSTRUCTION THAT AVOIDS CONFLICT, THAT CONSTRUCTION CONTROLS. WHERE TWO LAWS RELATE TO THE SAME SUBJECT OR SHARE A COMMON PURPOSE, BUT ARE IN IRRECONCILABLE CONFLICT: THE MORE SPECIFIC LAW SHALL CONTROL OVER THE MORE GENERAL LAW; THE MORE RECENT LAW SHALL CONTROL OR BE REGARDED AS AN EXCEPTION TO OR QUALIFICATION OF THE PRIOR LAW.~~

§ 12. TRANSPARENCY, REQUIRED; DEFINITIONS.

SEC. 12.

~~(A) TRANSPARENCY, ACCESSIBILITY, AND ACCOUNTABILITY OF GOVERNMENT ARE OF THE UTMOST IMPORTANCE. ALL PEOPLE ARE ENTITLED TO FULL AND COMPLETE INFORMATION REGARDING THE AFFAIRS OF GOVERNMENT AND THE OFFICIAL ACTS OF THOSE WHO REPRESENT THEM AS PUBLIC OFFICIALS AND PUBLIC EMPLOYEES IN ALL BRANCHES AND AT ALL LEVELS OF GOVERNMENT. THE PEOPLE SHALL BE INFORMED SO THAT THEY MAY FULLY PARTICIPATE IN THE DEMOCRATIC PROCESS. TO THIS END, ALL OFFICIAL ACTIONS OF PUBLIC BODIES, WHETHER BY VOTE; PASSAGE OF ORDINANCE, RULE OR LAW; RESOLUTION OR THE LIKE; SHALL BE DONE BY ROLL CALL VOTE. ALL SUCH VOTES, AND ALL COURT ORDERS OR SIMILAR CASE DETERMINATIONS, SHALL BE RECORDED AND MADE AVAILABLE FOR FREE FOR PUBLIC VIEWING IN THE PUBLIC BODY'S OFFICIAL RECORDS AND ON THE PUBLIC BODY'S OFFICIAL WEBSITE WITHIN ONE BUSINESS DAY OF THE ACTION OR DECISION. WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS AMENDMENT, ALL PUBLIC BODIES AND PUBLIC OFFICIALS SHALL ENSURE THE AFOREMENTIONED RECORDS PERTAINING TO ACTIONS TAKEN OR DECISIONS MADE THUS FAR IN 2020 ARE MADE AVAILABLE FOR FREE FOR PUBLIC VIEWING IN THE PUBLIC BODY'S OFFICIAL RECORDS AND ON THE PUBLIC BODY'S OFFICIAL WEBSITE.~~

~~(B) INDIVIDUALS MAY MAKE A FREEDOM OF INFORMATION (FOI) REQUEST IN WRITING AND DELIVERED TO THE PUBLIC BODY OR PUBLIC OFFICIAL BY PERSONAL DELIVERY, US MAIL, FAX, EMAIL, OR OTHER ELECTRONIC MEANS ESTABLISHED AND PUBLISHED BY THE PUBLIC BODY. PUBLIC BODIES SHALL KEEP A COPY OF ALL FOI REQUESTS FOR NO LESS THAN FIVE YEARS. A PUBLIC BODY, PUBLIC OFFICIAL OR PUBLIC EMPLOYEE MAY PROVIDE REQUESTED PUBLIC RECORDS WITHOUT A WRITTEN REQUEST, EVEN THOUGH SUCH REQUEST DOES NOT CONSTITUTE A FOI REQUEST. WITHIN FIVE BUSINESS DAYS OF A FOI REQUEST, THE PUBLIC BODY OR PUBLIC OFFICIAL SHALL: GRANT THE REQUEST AND PROVIDE THE RECORDS, ISSUE A WRITTEN NOTICE TO THE REQUESTING PERSON DENYING THE REQUEST, OR ISSUE A WRITTEN NOTICE DENYING THE REQUEST IN PART AND GRANTING THE REQUEST IN PART. A DENIAL SHALL INCLUDE AN EXPLANATION OF: WHICH RECORDS ARE BEING DENIED AND THE LEGAL GROUNDS FOR THAT DENIAL, THE RIGHT OF THE REQUESTOR TO SUBMIT A WRITTEN APPEAL (WHICH SHALL INCLUDE THE WORD "APPEAL") TO THE HEAD OF THE PUBLIC BODY, AND THE RIGHT OF THE REQUESTOR TO SEEK JUDICIAL REVIEW OF THE DENIAL. GRANTING A FOI REQUEST MEANS TO PROVIDE THE PUBLIC RECORDS BY ELECTRONIC METHODS, PHYSICAL COPIES OR ENABLING REASONABLE PHYSICAL INSPECTION. OR TO PROVIDE WRITTEN EXPLANATION OF THE REASONABLE ADDITIONAL TIME NEEDED TO GRANT THE REQUEST. TO THE EXTENT POSSIBLE, THE PUBLIC BODY OR PUBLIC OFFICIAL SHALL GRANT THE REQUEST IN THE MANNER REQUESTED (ELECTRONIC, PHYSICAL COPIES, OR PHYSICAL INSPECTION). FOR ALL PUBLIC~~

RECORDS SENT BY ELECTRONIC METHODS, THE REQUESTOR SHALL NOT BE CHARGED A FEE. NO MEMBER OF THE PUBLIC SHALL BE CHARGED A FEE TO SIMPLY REVIEW THE PUBLIC RECORDS IN PERSON. FOR PHYSICAL COPIES OF PUBLIC RECORDS PROVIDED TO A MEMBER OF THE PUBLIC, THE PUBLIC BODY OR PUBLIC OFFICIAL MAY CHARGE A FEE OF UP TO 25 CENTS PER PAGE.

(C) ALL DECISIONS OF A PUBLIC BODY SHALL BE MADE AT A MEETING OPEN TO THE PUBLIC. ALL DELIBERATIONS OF A PUBLIC BODY CONSTITUTING A QUORUM OF ITS MEMBERS SHALL TAKE PLACE AT A MEETING OPEN TO THE PUBLIC, EXCEPT AS PROVIDED HEREIN. ALL MEETINGS OF A PUBLIC BODY, INCLUDING ALL SESSIONS OF COURT, SHALL BE OPEN TO THE PUBLIC AND SHALL BE HELD IN A PLACE AVAILABLE TO THE GENERAL PUBLIC. NO ONE SHALL BE REQUIRED TO REGISTER OR OTHERWISE PROVIDE HIS OR HER NAME OR OTHER INFORMATION OR OTHERWISE TO FULFILL A CONDITION IN ORDER TO ATTEND A PUBLIC MEETING. EXCEPT IN COURT HEARINGS, EVERYONE SHALL BE PERMITTED TO ADDRESS A MEETING OF A PUBLIC BODY UNDER RULES ESTABLISHED, RECORDED AND MADE PUBLIC BY THE PUBLIC BODY. A PERSON SHALL NOT BE EXCLUDED FROM A MEETING OTHERWISE OPEN TO THE PUBLIC EXCEPT FOR SUBSTANTIAL BREACH OF THE PEACE ACTUALLY COMMITTED AT THE MEETING. THIS RIGHT TO ATTEND PUBLIC BODY MEETINGS INCLUDES THE RIGHT TO RECORD OR BROADCAST WITHOUT NEEDING APPROVAL FROM THE PUBLIC BODY. A PUBLIC BODY MAY ESTABLISH REASONABLE RULES TO MINIMIZE DISRUPTIONS TO THE MEETING. PUBLIC BODIES MAY GO INTO CLOSED MEETINGS ONLY TO THE EXTENT NECESSARY TO AVOID DISCLOSURE OF INFORMATION WHEN SUCH DISCLOSURE WOULD DEPRIVE A PERSON OF THE RIGHT TO A FAIR TRIAL, CONSTITUTE AN UNWARRANTED INVASION OF PERSONAL PRIVACY, ENDANGERS A PERSON'S LIFE OR PHYSICAL SAFETY, EXPOSES TRADE SECRETS, REVEALS THE CONFIDENTIAL DETAILS OF A BID BEFORE THE DEADLINE FOR SUBMISSION OF BIDS HAS EXPIRED, DIRECTLY AND SUBSTANTIALLY THWARTS THE CONSTITUTIONAL AND LAWFUL ENFORCEMENT OF LAWS AND CONSTITUTIONAL PROVISIONS, OR REVEALS THE IDENTITY OF A CONFIDENTIAL INFORMANT. ALL PUBLIC BODIES SHALL CONSPICUOUSLY POST A SCHEDULE AND NOTICE OF REGULAR MEETINGS AND NOTICES OF SPECIAL MEETINGS AT THE PUBLIC ENTRY OF THE PLACE OF THE REGULAR MEETINGS AND ON THE PUBLIC BODY'S WEBSITE IN A TIME AND MANNER TO PROVIDE THE PUBLIC WITH AS MUCH ADVANCE NOTICE AS POSSIBLE. SUCH ADVANCE NOTICE SHALL BE NO LESS THAN 10 DAYS FOR REGULAR MEETINGS OR 24 HOURS FOR SPECIAL MEETINGS, EXCEPT THAT NOTICE FOR COURT HEARINGS SHALL BE MADE ACCORDING TO REQUIREMENTS OF LAW OR MICHIGAN COURT RULE. NOTICES SHALL INCLUDE THE DATE, TIME AND LOCATION OF THE MEETING, THE PUBLIC BODY'S CONTACT INFORMATION, DETAILED MEETING AGENDA, AND LINK TO THE PORTION OF THE PUBLIC BODY'S WEBSITE WHICH PROVIDES THE PROPOSED MINUTES OF THE LAST MEETING AND ALL NONEXEMPT PUBLIC RECORDS RELEVANT TO THE MEETINGS AGENDA. A DECISION MADE BY A PUBLIC BODY MAY BE INVALIDATED IF THE PUBLIC BODY HAS NOT COMPLIED WITH THE REQUIREMENTS OF THIS PARAGRAPH.

(D) WITHIN 90 DAYS FROM ENACTMENT OF THIS AMENDMENT, ALL COURTS AUTHORIZED WITH JUDICIAL POWERS IN THIS CONSTITUTION SHALL PARTICIPATE IN A SINGLE ONLINE COURT FILING SYSTEM. ALL MEMBERS OF THE PUBLIC SHALL BE ALLOWED FULL ELECTRONIC ACCESS TO VIEW AND SAVE ALL PLEADINGS, ORDERS OF THE COURT, REGISTER OF ACTIONS, AND OTHER DOCUMENTS FILED WITH THE COURT IMMEDIATELY UPON THE FILING OF THOSE DOCUMENTS IN THE E-FILING SYSTEM. ALL INDIVIDUALS SHALL BE ALLOWED FULL ELECTRONIC ACCESS TO FILE DOCUMENTS IN ANY CASE TRADITIONAL PAPER FILING WOULD BE ALLOWED. ALL ORDERS OR DECISIONS OF THE COURT SHALL BE ENTERED INTO THE E-FILING SYSTEM WITHIN ONE BUSINESS DAY OF THE ORDER OR DECISION BEING MADE BY THE COURT. ALL PAPER PLEADINGS AND OTHER DOCUMENTS FILED BY A PARTY OR OTHER ALLOWED INDIVIDUAL SHALL BE UPLOADED BY THE COURT IN THE E-FILING SYSTEM WITHIN ONE BUSINESS DAY OF THE PLEADING OR DOCUMENT BEING FILED WITH THE COURT.

(E) WITHIN 30 DAYS FROM THE ENACTMENT OF THIS AMENDMENT, EVERY PUBLIC BODY, COURT AUTHORIZED BY THIS CONSTITUTION, AND PUBLIC OFFICIAL OF THIS STATE SHALL CREATE AND MAINTAIN AN OFFICIAL WEBSITE. THE WEBSITE SHALL CONSPICUOUSLY DISPLAY THE OFFICIAL EMAIL ADDRESS (THE SOLE EMAIL ADDRESS USED FOR THE PERFORMANCE OF OFFICIAL FUNCTIONS) AND PHONE NUMBER OF EACH PUBLIC OFFICIAL, DEPARTMENT HEAD, SUPERVISOR AND ESSENTIAL EMPLOYEE; THE NAME, TITLE AND JOB DESCRIPTION OF EACH PUBLIC OFFICIAL AND PUBLIC EMPLOYEE; A REASONABLY UNDERSTANDABLE CURRENT ORGANIZATIONAL CHART OF ALL SUCH OFFICIALS AND EMPLOYEES; SCHEDULES AND NOTICES FOR PUBLIC MEETINGS AS REQUIRED ABOVE; FOR COURTS OF THIS STATE, THE COMPLETE SCHEDULE AND DOCKET FOR THE COURT. NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE MAY REFUSE TO PROVIDE A PERSON WITH THE OFFICIAL WEBSITE OR EMAIL ADDRESS OF THE PUBLIC BODY, PUBLIC OFFICIAL OR PUBLIC EMPLOYEE.

(F) ALL CORRESPONDENCE BETWEEN THE BRANCHES OF GOVERNMENT, SUCH AS THE MESSAGES AND RECOMMENDATIONS IN ARTICLE V SECTION 17, SHALL BE CONSPICUOUSLY POSTED TO THE WEBSITE OF THE SENDING BRANCH WITHIN ONE BUSINESS DAY OF SENDING IT, UNLESS IT IS AN EXEMPT RECORD.

(G) ANY PUBLIC OFFICIAL, PUBLIC EMPLOYEE OR MEMBER OF THE PUBLIC MAY BRING AN ACTION IN COURT FOR A VIOLATION OF A CONSTITUTIONAL PROVISION OR LAW BY A PUBLIC BODY OR PUBLIC OFFICIAL, TO COMPEL COMPLIANCE OR TO PREVENT FURTHER NONCOMPLIANCE. ACTIONS SHALL BE COMMENCED AGAINST: LOCAL PUBLIC BODIES OR PUBLIC OFFICIALS IN CIRCUIT COURT, COUNTY PUBLIC BODIES OR PUBLIC OFFICIALS IN THE COURT OF APPEALS, AND STATE PUBLIC BODIES OR PUBLIC OFFICIALS IN THE SUPREME COURT. PROPER VENUE SHALL BE IN THE COUNTY IN WHICH THE PUBLIC BODY OR PUBLIC OFFICIAL SERVES, WITH ALL SUCH ACTIONS AGAINST STATE PUBLIC BODIES OR STATE PUBLIC OFFICIALS VENUED IN LANSING. IF A PERSON COMMENCES AN ACTION FOR INJUNCTIVE RELIEF, THAT PERSON SHALL NOT BE REQUIRED TO POST SECURITY AS A CONDITION FOR OBTAINING A PRELIMINARY INJUNCTION OR A TEMPORARY RESTRAINING ORDER. IF A PERSON COMMENCES AN ACTION PURSUANT TO THIS PARAGRAPH AND SUCCEEDS IN OBTAINING RELIEF IN THE ACTION, THE PERSON SHALL RECOVER FROM THE PUBLIC BODY COURT COSTS AND ACTUAL ATTORNEYS FEES FOR THE ACTION. A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE WHO INTENTIONALLY VIOLATES CONSTITUTIONAL PROVISION(S) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF \$2,500 AND SHALL BE PERSONALLY LIABLE TO REIMBURSE THE GOVERNING BODY FOR THE COSTS NECESSARY TO REMEDY THE VIOLATION. A PUBLIC OFFICIAL CONVICTED TWICE OF INTENTIONALLY VIOLATING A CONSTITUTIONAL PROVISION SHALL BE IMMEDIATELY REMOVED FROM OFFICE, PROHIBITED FROM HOLDING ANY FUTURE PUBLIC OFFICE OR GOVERNMENT EMPLOYMENT IN THIS STATE, AND SHALL BE GUILTY OF A FELONY PUNISHABLE BY A FINE OF AT LEAST \$25,000, WITH POSSIBLE IMPRISONMENT OF UP TO 10 YEARS. IN THESE CRIMINAL PROCEEDINGS, ONCE IT HAS BEEN PROVEN BEYOND A REASONABLE DOUBT THAT THE CONSTITUTIONAL PROVISION(S) WERE VIOLATED, IT SHALL BE PRESUMED THAT THE DEFENDANT DID SO INTENTIONALLY. THIS PRESUMPTION MAY BE OVERCOME WITH A SHOWING BY THE DEFENDANT THAT THE VIOLATION WAS DUE TO A GOOD FAITH ERROR. NOTHING IN THIS PARAGRAPH DIMINISHES THE RIGHT OF AN INDIVIDUAL TO PURSUE OTHER CLAIMS AGAINST A PUBLIC BODY OR PUBLIC OFFICIAL.

(H) DEFINITIONS. "PUBLIC BODY" MEANS ENTITY EXERCISING GOVERNMENTAL AUTHORITY OR PERFORMING GOVERNMENT FUNCTIONS AT ANY LEVEL OR IN ANY BRANCH. "PUBLIC OFFICIAL" INCLUDES, BUT IS NOT LIMITED TO, THOSE ELECTED OR APPOINTED TO SERVE IN A GOVERNMENTAL POSITION OR ROLE OR PROVIDE A GOVERNMENTAL FUNCTION, SUCH AS POLICE CHIEF, SHERIFF, PROSECUTING ATTORNEY, CITY ATTORNEY, CITY CLERK, TOWNSHIP CLERK, COUNTY CLERK, CITY MANAGER, TOWNSHIP SUPERVISOR, LEGISLATOR, CITY COUNCIL MEMBER, TOWNSHIP TRUSTEE, JUDGE OR COURT CLERK. "PUBLIC RECORD" MEANS A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY A PUBLIC BODY, PUBLIC OFFICIAL OR PUBLIC EMPLOYEE IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IN ANY BRANCH OR ANY LEVEL OF GOVERNMENT. "WRITING" MEANS HANDWRITING, TYPEWRITING, PRINTING, PHOTOGRAPHING, PHOTOCOPYING, AND EVERY OTHER MEANS OF RECORDING, AND INCLUDES LETTERS, WORDS, PICTURES, SOUNDS, OR SYMBOLS, OR COMBINATIONS THEREOF, AND PAPERS, MAPS, PHOTOGRAPHIC FILMS OR PRINTS, MICROFICHE, MAGNETIC OR PUNCHED CARDS, HARD DRIVES, OR OTHER MEANS OF RECORDING OR RETAINING CONTENT. "EXEMPT RECORD" MEANS THE PORTIONS OF A PUBLIC RECORD EXEMPTED FROM PUBLIC DISCLOSURE, FOR ONLY AS LONG AS THE EXEMPTION REASONABLY APPLIES, BECAUSE SUCH DISCLOSURE WOULD DEPRIVE A PERSON OF THE RIGHT TO A FAIR TRIAL, CONSTITUTES AN UNWARRANTED INVASION OF PERSONAL PRIVACY, ENDANGERS A PERSON'S LIFE OR PHYSICAL SAFETY, EXPOSES TRADE SECRETS, REVEALS THE CONFIDENTIAL DETAILS OF A BID BEFORE THE DEADLINE FOR SUBMISSION OF BIDS HAS EXPIRED, DIRECTLY AND SUBSTANTIALLY THWARTS THE CONSTITUTIONAL AND LAWFUL ENFORCEMENT OF LAWS AND CONSTITUTIONAL PROVISIONS, OR REVEALS THE IDENTITY OF A CONFIDENTIAL INFORMANT. "FOI REQUEST" IS ANY WRITTEN REQUEST FOR ACCESS TO OR COPIES OF PUBLIC RECORDS MADE TO THE PUBLIC BODY OR PUBLIC OFFICIAL TO THEIR OFFICIAL EMAIL ADDRESS, PHYSICAL ADDRESS, MAILING ADDRESS, FAX NUMBER, OR THROUGH OTHER ELECTRONIC MEANS ESTABLISHED AND PUBLISHED BY THE PUBLIC BODY OR PUBLIC OFFICIAL.

Article IV - Legislative Branch

§ 15 Legislative Council.

Sec. 15. ~~There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate funds for the council's operations and provide for its staff which shall maintain bill drafting, research and other services for the members of the legislature. The council shall periodically examine and recommend to the legislature revision of the various laws of the state. THE LEGISLATIVE COUNCIL IS HEREBY ABOLISHED, AS THE PEOPLE ELECT THE LEGISLATORS TO LISTEN TO CONCERNS RAISED BY CONSTITUENTS, DO THE RESEARCH, AND DRAFT APPROPRIATE BILLS.~~

§ 18 Journal of proceedings; record of votes, dissents.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security (AS DETERMINED BY THE SAME CONSIDERATIONS OF DETERMINING "EXEMPT RECORDS" AS DEFINED IN ARTICLE III § 12) otherwise requires. The record of the vote and name of the members of either house voting on any question shall be entered in the journal PURSUANT TO ARTICLE III § 12 ~~at the request of one-fifth of the~~

~~members present.~~ Any member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.

§ 20 Open meetings.

Sec. 20. The doors of each house shall be open unless the public security (AS DETERMINED BY THE SAME CONSIDERATIONS OF DETERMINING "EXEMPT RECORDS" AS DEFINED IN ARTICLE III § 12) otherwise requires.

§ 34 Bills, referendum.

Sec. 34. Any bill passed by the legislature and approved by the governor, except a bill appropriating money, may provide that it will not become law unless approved by a majority of the electors voting thereon. ANY BILL THAT WILL RESTRICT THE PEOPLE, AND NOT JUST THE GOVERNMENT, SHALL ONLY BE ENACTED IF IT HAS PASSED BOTH HOUSES OF THE LEGISLATURE BY A TWO-THIRDS VOTE OR IF IT HAS BEEN APPROVED BY A TWO-THIRDS MAJORITY OF THE ELECTORS VOTING THEREON. ANY CURRENT LAW RESTRICTING THE PEOPLE, AND NOT JUST THE GOVERNMENT, THAT WAS ENACTED IN THIS MANNER SHALL REMAIN ENFORCEABLE.

§ 51 Public health and general welfare.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. ~~The legislature shall pass suitable laws for the protection and promotion of the public health.~~ ANY LAW MADE TO PROMOTE THE PUBLIC HEALTH SHALL BE IN ACCORDANCE WITH ALL OTHER STATE AND FEDERAL CONSTITUTIONAL PROVISIONS, AS ALL PERSONS ARE ENTITLED TO THE RIGHT OF THEIR OWN BODILY INTEGRITY AND TO MAKE THEIR OWN DECISIONS REGARDING THEIR OWN HEALTH. NO PUBLIC BODY NOR PRIVATE BUSINESS SHALL IMPOSE A REQUIREMENT UPON EMPLOYEES OR CUSTOMERS THAT IS LIKELY TO IMPAIR THE INDIVIDUAL HEALTH OR SAFETY OF THOSE EMPLOYEES OR CUSTOMERS.

Article V - Executive Branch

§ 5 Examining or licensing board members, qualifications.

Sec. 5. A majority of the ALL members of an appointed examining or licensing board of a profession shall be members of that profession.

§ 29 Civil rights commission; members, term, duties, appropriation. ABOLISHED.

Sec. 29. ~~There is hereby established a civil rights commission which shall consist of eight persons, not more than four of whom shall be members of the same political party, who shall be appointed by the governor, by and with the advice and consent of the senate, for four-year terms, not more than two of which shall expire in the same year. It shall be the duty of the commission in a manner which may be prescribed by law to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law, and by this constitution, and to secure the equal protection of such civil rights without such discrimination. The legislature shall provide an annual appropriation for the effective operation of the commission.~~

~~The commission shall have power, in accordance with the provisions of this constitution and of general laws governing administrative agencies, to promulgate rules and regulations for its own procedures, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders. The commission shall have other powers provided by law to carry out its purposes. Nothing contained in this section shall be construed to diminish the right of any party to direct and immediate legal or equitable remedies in the courts of this state.~~

~~Appeals from final orders of the commission, including cease and desist orders and refusals to issue complaints, shall be tried de novo before the circuit court having jurisdiction provided by law. IT BEING UNCONSTITUTIONAL FOR ANY OF THE THREE BRANCHES OF GOVERNMENT TO DELEGATE AUTHORITY, SUCH AS TO A COMMISSION, AND IT BEING UNCONSTITUTIONAL FOR ANY ONE GOVERNMENT BODY TO EXERCISE THE POWERS OF MORE THAN ONE BRANCH, THE CIVIL RIGHTS COMMISSION, HAVING EXERCISED POWERS FROM ALL THREE BRANCHES, IS HEREBY ABOLISHED. FOLLOWING THE CONSTITUTIONAL AND STATUTORY REQUIREMENTS, THE ATTORNEY GENERAL SHALL INVESTIGATE AND PROSECUTE ALLEGED DISCRIMINATION AGAINST ANY PERSON BECAUSE OF RELIGION, RACE, COLOR OR NATIONAL ORIGIN IN ENJOYING CONSTITUTIONAL OR STATUTORY CIVIL RIGHTS. INDIVIDUALS ALSO RETAIN THE RIGHT TO DIRECT AND IMMEDIATE LEGAL OR EQUITABLE REMEDIES IN THE COURTS OF THIS STATE.~~

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, MODIFIED BY OTHER CONSTITUTIONAL PROVISIONS, 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 CIVIL jurisdiction known as the circuit court, one probate court, and A courts of limited jurisdiction known as district court that the legislature may establish by a two-thirds vote of the members elected to and serving in each house. NO OTHER COURTS SHALL BE ESTABLISHED BY LAW, AND NO OTHER PUBLIC BODY SHALL EXERCISE JUDICIAL POWERS UNLESS EXPRESSLY PROVIDED IN THIS CONSTITUTION.

§ 13 Circuit courts; jurisdiction, writs, supervisory control over inferior courts.

Sec. 13. The circuit court shall have original jurisdiction in all matters not CONSTITUTIONALLY ASSIGNED TO PROBATE COURT, DISTRICT COURT, OR AN APPELLATE COURT; prohibited by law; appellate jurisdiction from all inferior courts and tribunals except as otherwise provided by law; power to issue, hear and determine prerogative and remedial writs; supervisory and general control over inferior courts and tribunals within their respective jurisdictions in accordance with rules of the supreme court; and jurisdiction of other cases and matters as provided by rules of the supreme court.

§ 15 Probate courts; districts; COURTS; jurisdiction.

Sec. 15. In each county organized for judicial purposes there shall be a probate court. The legislature may create or alter probate court districts of more than one county if approved in each affected county by a majority of the electors voting on the question. ~~The legislature may provide for the combination of the office of probate judge with any judicial office of limited jurisdiction within a county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They PROBATE COURTS shall have original jurisdiction in all cases of FAMILIES, juvenile delinquents and dependents, except as otherwise provided by law. INCLUDING BUT NOT LIMITED TO, CUSTODY, DIVORCE, PATERNITY, SUPPORT, MISCELLANEOUS DOMESTIC RELATIONS, PERSONAL PROTECTION, GUARDIANSHIPS, CONSERVATORSHIPS, CHILD PROTECTION, ADOPTIONS, EMANCIPATIONS, NAME CHANGES, ESTATES, WILLS, TRUSTS, AND MENTAL ILLNESS. HOWEVER, PARENTS HAVE THE RIGHT AND RESPONSIBILITY TO RAISE THEIR CHILDREN; THUS, IN ALL MATTERS INVOLVING CUSTODY, THE COURT SHALL MAKE A DETERMINATION ON LEGAL AND PHYSICAL CUSTODY AND PARENTING TIME, BUT NOT ON THE MINUTE DETAILS THEREOF. IF THE EVIDENCE PRESENTED DEMONSTRATES AN INABILITY OF THE PARTIES TO RESOLVE CONFLICT LARGE OR SMALL, THE COURT SHALL MAKE A SOLE PHYSICAL CUSTODY AND SOLE LEGAL CUSTODY DETERMINATION ACCORDING TO THE BEST INTERESTS OF THE CHILD(REN). DISTRICT COURTS, PREVIOUSLY KNOWN AS COURTS OF LIMITED JURISDICTION, SHALL HAVE ORIGINAL JURISDICTION IN ALL CRIMINAL CASES, INCLUDING BUT NOT LIMITED TO, EXTRADITION/DETAINER, ADULT FELONIES, JUVENILE FELONIES, AND MISDEMEANORS.~~

§ 19 Courts of record; seal, qualifications of judges.

Sec. 19. ~~(4)~~The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature DISTRICT COURT shall be courts of record and each shall have a common seal. Justices and judges of courts of record SHALL meet be persons who are licensed to practice law in this state, AND HAVE BEEN ADMITTED TO PRACTICE LAW FOR AT LEAST 7 YEARS. ~~(2)~~ To be qualified to serve as a judge of a trial court, a judge of the court of appeals, or a justice of the supreme court, a person shall have been admitted to the practice of law for at least 5 years. This subsection shall not apply to any judge or justice appointed or elected to judicial office prior to the date on which this subsection becomes part of the constitution. ~~(3)~~No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

§ 26 Circuit court commissioners and justices of the peace, STATUTORY COURTS abolition; courts of limited jurisdiction ABOLITION.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article. Statutory courts ARE ALSO ABOLISHED in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

§ 28 Administrative action, review. NO AFFECT ON INDIVIDUALS.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law. In the absence of fraud, error of law or the adoption of wrong principles, no appeal may be taken to any court from any final agency provided for the administration of property tax laws from any decision relating to valuation or allocation. NO ADMINISTRATIVE OFFICER OR AGENCY MAY ACT TO AFFECT THE PRIVATE RIGHTS OR LICENSES OF INDIVIDUALS.