Michigan Constitutional Convention of 1961
Committee Proposal 58d
Const 1963, Art 2, § 4

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices . . . . . pp. 3436, 3447, 3459

First Reading . . . . . pp. 724, 2213-2215, 2232-2241, 2271, 2282-2283, 2670

Second Reading . . . . . pp. 2892, 2895-2899, 2916-2917

Draft Constitution (Art 2, § 4) . . . . . pp. 3047-3075 (p. 3049)

Third Reading, Article-by-Article . . . . . pp. 3076-3077, 3079-3082, 3085-3087, 3210

Draft Constitution (Art 2, § 4) . . . . . pp. 3215-3237 (p. 3216)

Third Reading, Full Constitution . . . . . pp. 3300-3301

Adopted Constitution (Art 2, § 4) . . . . . pp. 3319-3353 (p. 3321)

Address to the People . . . . . p. 3366

Overview of the Constitutional Convention Process

Provisions generally began as Committee Proposals and were then brought to the convention floor for first reading. The majority of debate on the substance of provisions occurred during the first and second readings. There were two third readings; the first on an article-by-article basis and the second reviewing the Constitution as a whole. Following the third readings the entire Constitution was voted on by the delegates. The delegates then created the Notice of Address to the People, summarizing the Constitution on a provision-by-provision basis, which was distributed so that the people could be informed when making their ratification votes.

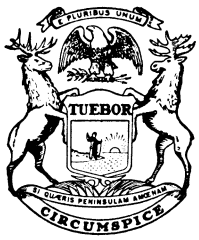
The convention used ALL CAPS to denote added material and [brackets] to denote removed material.

State of Michigan

CONSTITUTIONAL CONVENTION

1961

OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

AUSTIN C. KNAPP
Editor

LYNN M. NETHAWAY
Associate Editor

TABLE III—ARTICLES AND SECTIONS OF 1963 CONSTITUTION TO 1908 CONSTITUTION WITH COMMITTEE PROPOSAL REFERENCE

The Committee Proposal number and section are as re-referred to the committee on style and drafting.

* Created by the committee on style and drafting.

1963		1908		Committee Proposal
Preamble		Preamble		14
Art.	Sec.	Art.	Sec.	
I	1	II	1	15-1
I	2	none		26
I	3	II	2	15-2
I	4	II	3	15-3
I	5	II	4	15-4
I	6	II	5	15-5
I	7	II	6	15-6
I	8	II	7	15-7
I	9	II	8	15-8
I	10	II	9	15-9
I	11	II	10	15-10
I	12	II	11	15-11
I	13	II	12	15-12
I	14	II	13	15-13
I	15	II	14	15-14
I	16	II	15	15-15
I	17	II	16	15-16
I	18	II	17	15-17
I	19	II	18	15-18
I	20	II	19	15-19
I	21	II	20	15-20
I	22	II	21	15-21
I	23	none		15-1
II	1	III	1,2,3	58a
II	2	none		58b
II	3	none		58c
II	4	III	1,8	58d
II	5	V	12	58e
		VI	1	
		VII	2,9,14	
		VIII	3,18	
		XI	2,3,6, 7, 16	
II	6	III	4	58f
II	7	III	9	58h
II	8	III	8	58g
II	9(¶2*)	V	1	118b
III	1	I	2	10
III	2	IV	1,2	21
III	3	VI	11,12	18
III	4	XV	1,2,3	19
III	5	none		128
III	6	X	14	101
III	7	S	1	44a
III	8	none		96k
IV	1	V	1	118a
IV	2	V	2	80a
IV	3	V	3	80b
IV	4	none		80c
IV	5*	none		...
IV	6	V	4	79
IV	7	V	5	32
IV	8	V	6	112
IV	9	V	7	120
IV	10	V	7	115
		V	25	
IV	11	V	8	33
IV	12	V	9,10	28
IV	13	V	13	116
IV	14	V	14	34
IV	15	none		102c
IV	16	V	15	102a
IV	17	none		102b
IV	18	V	16	114
IV	19	V	17	117
IV	20	V	18	103
IV	21	V	18	103
IV	22	V	19	35
IV	23	V	20	29
IV	24	V	21	121
		V	22	105
IV	25	V	21	121
IV	26	V	22	105
		V	23	104
IV	27	V	21	121
IV	28	V	22	105
IV	29	V	30	119
IV	30	V	24	41
IV	31	none		46b
IV	32	X	6	53
IV	33	V	36	70
IV	34	V	38	113
IV	35	V	39	24
IV	36	V	40	108
IV	37	none		123
IV	38	XVI	5	122
IV	39	XVI	5	122
IV	40	XVI	11	27
IV	41	V	33	100
IV	42	VIII	30	87
IV	43	XII	9	5
IV	44	V	27	99
IV	45	V	28	106
IV	46	none		20
IV	47	V	26	111
IV	48	XVI	7	109
IV	49	V	29	110
IV	50	none		127
IV	51	none		126
IV	52	none		125
IV	53	VI	1	78
V	1	VI	2	2
V	2	none		71b
V	3	none		71b
V	4	none		71b
V	5	none		71b
V	6	none		71g
V	7	VI	10	71e
V	8	VI	3	71d
V	9	VI	1	71c
V	10	IX	7	71g
V	11	IX	5	71f
V	12	VI	4	3
V	13	VI	6	7
V	14	VI	9	16
V	15	VI	7	8
V	16	VI	8	9
V	17	VI	5	4
V	18	none		46a
V	19	V	37	46c
V	20	none		46d
V	21(¶3*)	VI	1	71a
V	22	VI	13	17
V	23	VI	21	75
V	24	none		77
V	25	VI	19	71b
V	26	VI	16,17	59,60
V	27	VI	18	72
V	28	none		71h
V	29	none		71i-71A
VI	1	VII	1	90
VI	2	VII	2,23	91a
VI	3	VII	2	91b
VI	4	VII	4	91c
VI	5	VII	5	91d
VI	6	VII	7	91e
VI	7	VII	6	91f
VI	8	none		92a
VI	9	none		92b
VI	10	none		92c
VI	11	VII	8	93a
VI	12	VII	9,23	93b
VI	13	VII	10	93c
VI	14	VII	11	93d
VI	15	VII	13	94a
VI	16	VII	14,23	94b
VI	17	none		96a[1]
VI	18	VII	12	96g
VI	19	VII	17	96a
VI	20	VII	19	96b
VI	21	VII	9	96c
VI	22	none		96l
VI	23	VII	20	96d
VI	24	VII	23	96e
VI	25	IX	6	96h
VI	26	VII	15,16, 21	96i
VI	27	VII	6,11	96n
VI	28	none		95
VI	29	VII	18	96o
VII	1	VIII	1	81a
VII	2	none		89
VII	3	VIII	2	81b
VII	4	VIII	3	81c
VII	5	VIII	4	81d
VII	6	VIII	5	81e
VII	7	VIII	7	81f
VII	8	VIII	8	81g
VII	9	VIII	9	81h
VII	10	VIII	13	81j
VII	11	VIII	12	81i
VII	12	VIII	14	81k
VII	13	none		81n
VII	14	VIII	15	81l
VII	15	none		85c
VII	16	VIII	26	86a
VII	17	VIII	16	82a
VII	18	VIII	17,18	82b,c
VII	19	VIII	19	82e
VII	20	none		82d
VII	21	VIII	20	83a
VII	22	VIII	21	83b
VII	23	VIII	22	83c
VII	24	VIII	23	83e
VII	25	VIII	25	83f
VII	26	VIII	25	83d
VII	27	VIII	31	88a
VII	28	VIII	31	88b
VII	29	VIII	28	85a
VII	30	VIII	29	85b
VII	31	VIII	27	86b
VII	32	none		57
VII	33	IX	8	42e
VII	34	none		84
VIII	1	XI	1	1
VIII	2	XI	9	30
VIII	3	XI	2,6	47
VIII	4	XI	10	98a
VIII	5	XI	3,4,5, 7,8,16	98b
VIII	6	none		98c
VIII	7	none		98d
VIII	8	XI	15	13
VIII	9	XI	14	31
IX	1	X	2	50
IX	2	X	9	54
IX	3	X	3,4,7,8	51
IX	4	none		51
IX	5	X	3,5	52
IX	6	X	21	56

Committee Proposal No. — Page

57. A proposal to require a public hearing on all budgets of local units of government before the budgets are approved. Amends article X by adding a section.
For text as offered and reasons 928
As referred to style and drafting 928
As reported by style and drafting 2668
As rereferred to style and drafting 2668
Jan. 31, reported by finance and taxation; referred to committee of the whole 724
Feb. 9, read first time; considered, passed by committee of the whole 928-929
Feb. 9, reported by committee of the whole without amendment; referred to style and drafting 938
Mar. 5, reported by style and drafting (Report 30); placed on order of second reading 1430
Apr. 19, read second time; passed; rereferred to style and drafting 2668-2669

58. A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof.
For text as offered and reasons 2213
For minority reports and reasons 2215
As referred to style and drafting 2282
As reported by style and drafting 2892
As rereferred to style and drafting 2899
Jan. 31, reported by declaration of rights, suffrage and elections; referred to committee of the whole 724
Apr. 6, read first time; sections a, b, c considered; sections a, c amended, passed; section b passed by committee of the whole 2213-2229
Apr. 9, sections d, e, f considered; sections d, e amended, passed by committee of the whole 2232-2253
Apr. 10, sections f, g, h considered, amended, passed; committee proposal as amended considered, passed by committee of the whole 2254-2271
Apr. 10, reported by committee of the whole with 7 amendments; referred, as amended, to style and drafting 2282
Apr. 23, reported by style and drafting (Report 83); placed on order of second reading 2670
Apr. 26, read second time; amended, passed; rereferred to style and drafting 2892-2899
Apr. 27, motion to reconsider vote on passage defeated 2916-2917

59. A proposal pertaining to vacancies in the office of governor. Amends article VI, section 16.
For text as offered and reasons 1954
As referred to style and drafting 1966
As reported by style and drafting 2764
As rereferred to style and drafting 2764
Feb. 1, reported by executive branch; referred to committee of the whole 737
Mar. 29, read first time; considered, amended, passed by committee of the whole 1954-1963
Mar. 29, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting 1965-1966
Apr. 19, reported by style and drafting (Report 72) as Substitute for Committee Proposals 59 and 60; placed on order of second reading 2619
Apr. 24, read second time; passed; rereferred to style and drafting 2764-2766

60. A proposal pertaining to succession to the governorship. Amends article VI, section 17.
For text as offered and reasons 1963
As referred to style and drafting 1987
As reported by style and drafting 2764
As rereferred to style and drafting 2764
Feb. 1, reported by executive branch; referred to committee of the whole 737
Mar. 29, read first time; considered, amended, passed by committee of the whole 1963-1965, 1968-1969
Mar. 29, reported by committee of the whole with 3 amendments; amendments concurred in; referred to style and drafting 1987
Apr. 19, reported by style and drafting (Report 72) as Substitute for Committee Proposals 59 and 60; placed on order of second reading 2619
Apr. 24, read second time; passed; rereferred to style and drafting 2764-2766

61. A proposal pertaining to terms of public officers. Retains section 1, article XVI.
For text as offered and reasons 2492
As referred to style and drafting 2504
As reported by style and drafting 2998
As rereferred to style and drafting 2998
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole .. 737
Apr. 16, read first time; considered, amended, passed by committee of the whole 2492-2493
Apr. 16, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2504
Apr. 26, reported by style and drafting (Report 109); placed on order of second reading 2851
Apr. 30, read second time; passed; rereferred to style and drafting 2998-2999

62. A proposal pertaining to grants of extra compensation. Amends the first sentence of section 3, article XVI.
For text as offered and reasons 2493
As referred to style and drafting 2493
As reported by style and drafting 2999
As rereferred to style and drafting 2999
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 737
Apr. 16, read first time; considered, passed by committee of the whole 2493
Apr. 16, reported by committee of the whole without amendment; referred to style and drafting 2503
Apr. 26, reported by style and drafting (Report 110); placed on order of second reading 2852
Apr. 30, read second time; passed; rereferred to style and drafting 2999

63. A proposal pertaining to estates of married women. Retain section 8, article XVI.
For text as offered and reasons 2437
As referred to style and drafting 2448
As reported by style and drafting 3001
As rereferred to style and drafting 3003
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 737
Apr. 13, read first time; considered, amended, passed by committee of the whole 2437-2447
Apr. 13, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2448
Apr. 26, reported by style and drafting (Report 111); placed on order of second reading 2852
May 1, read second time; amended, passed; rereferred to style and drafting 3001-3003

64. A proposal to amend article XVII, section 1 of the present constitution pertaining to amendment to the constitution; proposal by legislature and submission to electors.
For text as offered and reasons 2452
For minority report and reasons 2453
As referred to style and drafting 2472
As reported by style and drafting 3003
As rereferred to style and drafting 3004
Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole 737
Apr. 16, read first time; considered, amended, passed by committee of the whole 2452-2458
Apr. 16, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting 2472
Apr. 26, reported by style and drafting (Report 112); placed on order of second reading 2852
May 1, read second time; amended, passed; rereferred to style and drafting 3003-3004

65. A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution.
For text as offered and reasons 2458
As referred to style and drafting 2458
As reported by style and drafting 3004
As rereferred to style and drafting 3004

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Article II, Section 2: Cont'd.
For text as adopted 3321
For text, and comments in address to the people 3365

Section 3. Presidential electors; residence. (Committee Proposal 58c)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3365

Section 4. Place and manner of elections. (Committee Proposal 58d)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3366

Section 5. Time of elections. (Committee Proposal 58e)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3366

Section 6. Voters on tax limit increases or bond issues. (Committee Proposal 58f)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; amended; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3366

Section 7. Boards of canvassers. (Committee Propos 58h)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3321
For text, and comments in address to the people 3366

Section 8. Recalls. (Committee Proposal 58g)
May 7, reported, placed on order of third reading 3045
May 7, read third time; passed 3077-3087
May 9, referred to committee on style and drafting 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3322
For text, and comments in address to the people 3366

Section 9. Initiative and referendum; limitations; appropriations; petitions. Referendum, approval. Initiative; duty of legislature, referendum. Legislative rejection of initiated measure; different measure; submission to people. Initiative or referendum law; effective date, veto, amendment and repeal. Legislative implementation. (Committee Proposal 118b)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; amended, passed 3077-3087
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading: considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3322
For text, and comments in address to the people 3367

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ARTICLE III. General government. (Committee Proposals 10, 21, 18, 19, 128, 101, 44a, 96k)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

Section 1. Seat of government. (Committee Proposal 10)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

Section 2. Separation of powers of government. (Committee Proposal 21)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

Section 3. Great seal. (Committee Proposal 18)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

Section 4. Militia. (Committee Proposal 19)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

Section 5. Intergovernmental agreements; service by public officers and employees. (Committee Proposal 128)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading; considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

Section 6. Internal improvements. (Committee Proposal 101)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading, considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

Section 7. Common law and statutes, continuance. (Committee Proposal 44a)
May 7, reported, placed on order of third reading.. 3045
May 7, read third time; passed 3098-3099
May 9, referred to committee on style and drafting.. 3210
May 11, reported; placed on order of third reading, considered read third time; passed 3213-3275
Aug. 1, considered; adopted 3291-3301
For text as adopted 3323
For text, and comments in address to the people 3368

Committee Proposal 50, A proposal to require the legislature to provide sufficient taxes to meet the state's expenses covering the substance of section 2, article X of the 1908 constitution; with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 50 and the reasons submitted in support thereof, see below under date of February 7.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 51, A proposal setting up the uniform rule of taxation for providing for equalization a maximum limit for assessments, prohibiting a graduated income tax, and covering the subject matter of sections 3, 4, 7 and 8 of article X of the 1908 constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 51 and the reasons submitted in support thereof, see below under date of February 7.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 52, A proposal with reference to the taxation of certain utilities, covering the material in article X, section 5 of the 1908 constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 52 and the reasons submitted in support thereof, see below under date of February 8.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 53, A proposal to require that every tax law shall distinctly describe the tax, covering article X, section 6 of the present constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 53 and the reasons submitted in support thereof, see below under date of February 8.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 54, A proposal that the power of taxation shall never be surrendered, suspended, or contracted away, covering the material in article X, section 9 of the present constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 54 and the reasons submitted in support thereof, see below under date of February 8.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 55, A proposal to include article X, section 19 of the 1908 constitution in the new constitution;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 55 and the reasons submitted in support thereof, see below under date of February 8.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 56, A proposal to limit the ad valorem taxation of property covering the subject matter of section 21, article X of the 1908 constitution, commonly known as the 15 mill limitation;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 56 and the reasons submitted in support thereof, see below under date of February 8.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, also introduces

Committee Proposal 57, A proposal to require a public hearing on all budgets of local units of government before the budgets are approved. Amends article X by adding a section;
with the recommendation that it pass.

D. Hale Brake, chairman.

For Committee Proposal 57 and the reasons submitted in support thereof, see below under date of February 9.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Martin, for the committee on executive branch, introduces

Exclusion Report 2027, A report recommending the exclusion of article VI, sections 14 and 15. Substitute for Exclusion Reports 2001 and 2002.

John B. Martin, chairman.

For Exclusion Report 2027 and the reasons submitted in support thereof, see below under date of March 19.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Brake, for the committee on finance and taxation, introduces

Exclusion Report 2028, A report recommending the exclusion of sections 3, 4, 5, 7 and 8 of article X.

D. Hale Brake, chairman.

For Exclusion Report 2028 and the reasons submitted in support thereof, see below under date of February 9.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: Mr. Pollock, for the committee on declaration of rights, suffrage and elections, introduces

Committee Proposal 58, A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof; with the recommendation that it pass.

James K. Pollock, chairman.

For Committee Proposal 58 and the reasons submitted in support thereof, see below under date of April 6.

PRESIDENT NISBET: Referred to the committee of the whole and placed on the general orders calendar.

SECRETARY CHASE: The committee on legislative powers, by Mr. Hoxie, chairman, reports back to the convention

Delegate Proposal 1340, A proposal to limit the power of sale and disposition of certain public property and to require state officers under certain circumstances to resist condemnation by the United States government. Amends article V by adding a new section thereto; with the recommendation that the proposal be referred to the committee on emerging problems.

T. Jefferson Hoxie, chairman.

Chair; does that imply that we will pass for any other request? I do not feel one way or the other. I just want us to be consistent.

CHAIRMAN MARTIN: The Chair was going to accept the suggestion if there were no objection, Mr. Downs. If there is an objection, Dr. Pollock can move that it be passed. Mr. Downs.

MR. DOWNS: Could I make an inquiry to Mr. Iverson? I would be glad not to object to passing this because the proponent of the language is not here if, in turn, he would indicate that if Miss Hart or myself requests something be postponed until the delegate particularly interested is here, he would agree to that.

CHAIRMAN MARTIN: Mr. Iverson.

MR. IVERSON: Mr. Chairman, Mr. Downs, I am not handling this matter; Dr. Pollock is, and I think you ought to ask him.

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, I would like to remind Mr. Downs that this particular section was passed over once before by request because Mr. Nord was absent. I think it is only fair, now that Mr. Stevens is absent, that we do the same.

CHAIRMAN MARTIN: Dr. Pollock, do you wish to put this as a motion?

MR. POLLOCK: I will be glad to, Mr. Chairman, if that is proper.

CHAIRMAN MARTIN: Mr. Downs.

MR. DOWNS: Mr. Chairman, I was not objecting. I am glad that Mr. Yeager called that to my attention, and I am satisfied with the principle that has been established.

CHAIRMAN MARTIN: Mr. Nisbet.

MR. NISBET: Mr. Chairman, may I just make a statement on this because I think there is a little confusion here? The reason that Dr. Pollock asked that this be passed over on account of Mr. Stevens was not because of the fact that Mr. Stevens was a member of the committee, but it was because Mr. Stevens was to discuss this section for the committee. He was excused today to attend a meeting in the northern peninsula. Now, it isn't the idea that just because a person isn't here it ought to be passed over, but this is a peculiar situation where he is to discuss the matter. He was the one that was planning on doing it, and he isn't here to do it. That is the reason that Dr. Pollock asked that it be passed for the day.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, there is an additional reason: I did not sign the majority report with reference to this proposal and, therefore, I was dependent upon my vice chairman, who was the author of it, to present it. Do you want me to move now that the matter pass?

CHAIRMAN MARTIN: The Chair would prefer that you do, Dr. Pollock.

MR. POLLOCK: I so move, Mr. Chairman.

CHAIRMAN MARTIN: Then we don't rely upon understandings. Mr. Downs.

MR. DOWNS: Mr. Chairman, I would like to speak in favor of the motion.

CHAIRMAN MARTIN: The question is on the motion of Dr. Pollock that Committee Proposal 45 be passed for the day. All those in favor will signify by saying aye. Opposed, no.

The motion prevails and Committee Proposal 45 is passed for the day. The secretary will read.

SECRETARY CHASE: From the committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, **Committee Proposal 58,** A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof.

Following is Committee Proposal 58 as read by the secretary, and the reasons submitted in support thereof:

The committee recommends that the following be included in the constitution:

Sec. a. EVERY CITIZEN OF THE UNITED STATES WHO HAS ATTAINED THE AGE OF 21 YEARS, AND HAS RESIDED IN THIS STATE 6 MONTHS, SHALL BE AN ELECTOR AND QUALIFIED TO VOTE IN ANY ELECTION, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION. THE LEGISLATURE SHALL BY LAW DEFINE RESIDENCE FOR VOTING PURPOSES, AND MAY IMPOSE A LOCAL RESIDENCE REQUIREMENT OF 30 DAYS.

Sec. b. THE LEGISLATURE MAY BY LAW EXCLUDE PERSONS FROM VOTING BECAUSE OF MENTAL INCOMPETENCE, OR COMMITMENT TO A JAIL OR PENAL INSTITUTION.

Sec. c. FOR PURPOSES OF VOTING FOR ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES ONLY, THE LEGISLATURE MAY BY LAW ESTABLISH LESSER RESIDENCE REQUIREMENTS FOR CITIZENS WHO HAVE RESIDED IN THIS STATE FOR LESS THAN 6 MONTHS AND MAY WAIVE RESIDENCE REQUIREMENTS OF CITIZENS OF THIS STATE WHO HAVE REMOVED THEREFROM. THE LEGISLATURE MAY PROVIDE THE MANNER OF VOTING BY SUCH PERSONS BUT SHALL NOT PERMIT VOTING BY ANY SUCH PERSON WHO MEETS THE VOTING RESIDENCE REQUIREMENTS OF THE STATE TO WHICH HE HAS REMOVED.

Sec. d. THE LEGISLATURE SHALL ENACT LAWS TO REGULATE THE TIME, PLACE, AND MANNER OF ALL NOMINATIONS AND ELECTIONS, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION, OR IN THE CONSTITUTION AND LAWS OF THE UNITED STATES. THE LEGISLATURE SHALL ENACT LAWS TO PRESERVE THE PURITY OF ELECTIONS, THE SECRECY OF THE BALLOT, GUARD AGAINST ABUSES OF THE ELECTIVE FRANCHISE, AND SHALL PROVIDE FOR A SYSTEM OF VOTER REGISTRATION AND ABSENTEE VOTING.

Sec. e. ALL ELECTIONS FOR NATIONAL, STATE, COUNTY AND TOWNSHIP OFFICES SHALL BE HELD ON THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER IN EACH EVEN NUMBERED YEAR, EXCEPT FOR SPECIAL ELECTIONS TO FILL VACANCIES.

Sec. f. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money [or], the issue of bonds OR THE INCREASE OF TAX LIMITATIONS ON REAL OR PERSONAL PROPERTY, only such persons having the qualifications of electors who have property assessed for taxes in any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon.

Sec. g. Laws shall be passed to [preserve the purity of elections and guard against abuses of the elective franchise, and to] provide for the recall of all elective officers, except judges of courts of record and courts of like jurisdiction upon petition of 25 per centum of the number of electors who voted at the preceding election for the office of governor in their respective electoral districts.

Sec. h. A board of state canvassers consisting of 4 members shall be established by law. No candidate for an office to be canvassed by the board shall be eligible to serve as a member of said board. A majority of the board shall not be composed of adherents of the same political party.

Mr. Pollock, chairman of the committee on declaration of rights, suffrage and elections, submits the following reasons in support of Committee Proposal 58:

The proposed article III, which the committee recommends herewith to the convention, represents the first complete revision of the elections article since 1835. Article III of the 1908 constitution includes almost all of the language of the elections article of the 1835 constitution, which was excellent for its time. Unfortunately, the succinct and economical language of 1835 has become encrusted

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Explanation—Matter within [ ] is stricken, matter in capitals is new.

over the years with a mass of legislative detail. In addition, language which was once highly appropriate has in some instances become totally obsolete today.

For example, the present constitution allows indians to vote even though they are not citizens of the United States. For many years, American indians have been citizens of the United States by birth, and there is no reason to retain language designed originally to meet the long forgotten needs of a frontier state.

Again, the present constitution, as amended, attempts to specify the categories of persons who should be allowed the privilege of absentee voting. Changes in the occupational patterns of American society have gradually made the categories highly arbitrary and artificial — for example, railroad employees, who once operated the only extensive system of public intercity transport, are granted the constitutional right to absentee voting, but airline and bus line employees are not, since their occupations came along after the present language was written.

Another example of obsolescence is found in section 6 of the old constitution, which exempted electors from militia duty "except in time of war or public danger." This also is a heritage of the frontier days, when every able bodied male citizen was considered a member of the militia, and might be required to drill from time to time in order to be ready to ward off attacks from those indians not sufficiently placated by the right to vote granted them earlier in the constitution.

To cite only one more example, section 7 of the present constitution allows the legislature to exempt township elections from the requirement of a secret ballot. This was appropriate many years ago when the handful of electors in a frontier township needed only a show of hands to elect township officers. The practice of secret voting in township elections has long been established, and there is no longer any practical reason for the present exemption.

No purpose would be served by an exhaustive catalog of obsolescent provisions or terminology, but these few examples will suffice to illustrate the problem.

Consequently, the committee on declaration of rights, suffrage and elections decided to write an entirely new article rather than to attempt another piece of patchwork on the old article. Wherever possible, the old language was retained, but never at the expense of the major objectives of the committee. Briefly stated, these objectives were:

1. To specify clearly the qualifications for voting, and to delimit clearly the scope of legislative authority over voter qualifications and disqualifications.

2. To assign to the legislature, in unequivocal language, the power and the responsibility to deal with the problems of election administration.

3. To make specific provision for legislative authority to deal with certain other important problems such as presidential voting by persons not technically residents of the state, the recall of elected officers, and the establishment of the state board of canvassers.

The resulting article is in conformance with the principles followed in the model state constitution and in the recently adopted constitutions of Alaska and Hawaii. While it is brief, the proposed article establishes a constitutional framework for a system of free and fair elections; but it recognizes that only the legislature is equipped to provide for the administration of such a system.

Comment on section a. This section establishes the basic qualifications for voting, and assigns to the legislature full responsibility for defining residence for voting purposes.

The committee considered carefully the question of changing the voting age to 18, 19 or 20 years, there being delegate proposals in the convention for all of these ages. A majority of the committee concluded that there is much to be said for retaining a voting age which is identical with the age of legal majority. The committee felt that experience in other states makes it doubtful that a lower voting age would improve the quality of the electorate. Moreover, young people in the 18-21 year old group are not likely to display a high degree of interest in the electoral process. Available evidence indicates that participation in elections is poorest with the youngest group of voters. Age qualification is necessarily arbitrary, but young people can look forward with certainty to the day when they will take their place in the adult world, as fully competent citizens and voters.

The section also retains Michigan's traditional 6 months' state residence requirement. No state has a shorter residence requirement and in the absence of contrary evidence, the committee concluded that the present requirement is sufficient to insure that new voters will be bona fide residents of the state.

The section would also permit the legislature to adopt a local residence requirement of 30 days. This would represent no change from present provisions, except that it would allow the legislature some flexibility in fixing the unit of local government to which the 30 day residence requirement would apply. At present, it applies to cities and townships, but it is conceivable that at some future time a countywide system of registration might be instituted. If so, the proposed language would allow the legislature to alter the local residence requirement to conform to the needs of the new registration system.

The present 30 day period was retained because in the judgment of the committee a shorter period would not be administratively practical, and a longer period might unnecessarily disfranchise otherwise qualified voters.

A major feature of the proposed article is found in the last sentence of the first section, which reposes in the legislature the duty of defining residence for voting purposes. Past attempts to define residence in constitutional language have, in this and other states, been highly unsuccessful. Constitutional language, however well considered, tends to leave gaps and ambiguities in the definition of residence, and courts have been reluctant to allow legislatures leeway to modify in any significant way what appears to be the intent of the constitution. Again, any constitutional language is subject to obsolescence. The committee has concluded that it is not humanly possible for this convention to define residence in a manner which will offer any assurance of future adequacy, and has therefore proposed to leave the matter to the legislature, as one of its continuing responsibilities in the field of elections.

The committee on local government does concur in the language of this section.

Comment on section b. This section permits, but does not require, the legislature to exclude from voting 2 categories of persons generally felt to be unsuitable members of the electorate.

The provision regarding mentally incompetent persons simply recognizes that the act of voting should be the act of a person possessed of his mental faculties, and that if a person is incapable of disposing of his own affairs, the legislature should be empowered to prevent him from participating in voting.

Inmates of jails and prisons are presently effectively excluded from voting simply because, while they are not disqualified, there is no way in which they can vote. The present absent voting law provides that jail and prison inmates are not eligible for absentee ballots. The proposed provision, therefore, gives the legislature specific authority to do directly what has long been accomplished in an indirect fashion.

Comment on section c. This section is designed to give the legislature discretionary authority to deal with a problem that has grown more serious as the American people have become more mobile: the problem of disfranchisement of citizens who move from one state to another and are thereby unable to meet residence requirements in either state. Residence requirements are justifiable on the grounds that the voter should have an oppor-

tunity to become familiar with issues and candidates before he is called upon to vote. But this justification loses much of its force when applied to presidential elections. The same candidates and issues are before the people of all 50 states, and a voter does not lose whatever knowledge he may have had of the presidential campaign simply by moving from one state to another.

The proposed section would authorize the legislature to allow presidential voting both by persons moving out of the state of Michigan, who cannot yet meet the residence requirements of their new states of residence, and by persons who have arrived in Michigan during the 6 months preceding a presidential election.

It should also be noted that in 1956 the United States congress formally expressed the approval of this special type of presidential voting, and recommended to the states that consideration be given to the type of provisions herein proposed.

Comment on section d. This section accomplishes one of the major objectives of the committee. It vests in the legislature full authority over election administration, subject to other provisions of this constitution, and to the national constitution and laws. The legislature is specifically enjoined to enact corrupt practices legislation.

The provision regarding the secrecy of the ballot is designed to insure that in the future the legislature will be empowered to adopt any new techniques of casting and recording voter choices, so long as the secrecy of the ballot is preserved.

Both voter registration and absentee voting are placed on a statutory basis. The complicated language in the Constitution of 1908, as amended, regarding absentee voting proved inadequate, and absentee voting in Michigan today has a primarily statutory base. Since previous attempts to define eligibility for absentee voting in the constitution have not been successful, the proposal avoids any repetition of this mistake.

Comment on section e. The major change effected by this section would be the elimination of the spring state election. Testimony before the committee has convinced us that the spring election has so many undesirable characteristics that it should be permanently retired.

In the first place, election statistics clearly prove that voter participation in spring elections is very poor compared to turnout in fall elections. The argument for highly frequent elections on the grounds that they keep government close to the people is not convincing when applied to an election that has consistently failed for many years to attract a high level of popular participation.

The committee also was impressed by the potential financial benefits to units of local government which would be possible if the spring elections were eliminated. We are reliably informed that the cost of a single spring election is upwards of $600,000, not including the cost of any associated primaries.

Another objection, and one no doubt related to the poor voter turnout discussed above, is the intrinsic awkwardness in timing of the spring election. They seem to come on the heels of the preceding fall election, thus creating an unreasonable burden on voters, party workers, and election officials. The timing of spring elections requires that nominating petitions be circulated during the holiday season, when a respite from politics would be welcomed by most people.

Finally, the statewide election campaign required by spring elections seems to interfere unduly with legislative activity. At a time when both executive and legislative officials need to devote their attention to the emerging problems of a new legislative session, they are often called away by the demands of the spring campaign.

The committee therefore believes that the passing of the spring election will be mourned by few, if any, of our citizens, and that its abolition will be a major accomplishment of this convention.

It should be pointed out that the proposed section would still allow city, village and school board elections to be held at times other than the biennial fall election prescribed.

Finally, whether a given officer will be elected in presidential or off years will be determined by other articles of the new constitution.

Comment on section f. The proposed language is identical with that contained in article III, section 4 of the old constitution, except that the property qualification is extended to include voting on the increase of tax limitations on real or personal property. The committee recognizes that some delegates are opposed in principle to any property qualifications, and a minority of the committee favored the deletion of the property qualification altogether. However, if, as a majority of the committee believes, the property qualification should be retained as a safeguard against excessive tax burdens on real or personal property, it is evident that if only property owners and their spouses should be allowed to vote on direct expenditures or the issuance of bonds, it is hardly rational or consistent to allow nonproperty owners to vote on the increase of tax limitations. It is believed that the proposed additional language will eliminate much present confusion regarding eligibility for voting on local taxing and spending proposals.

The committee on finance and taxation does concur in the language of this section.

Concurrence of the committee on education has been requested, but not yet received.

Comment on section g. This section adopts without change the language of the present article III, section 8, except that the clause referring to the purity of elections is deleted from this section, where it is extraneous, and inserted in the proposed fourth section dealing with the powers and duties of the legislature in the field of election administration.

The committee believes that no change is warranted in the language governing the recall of elected officials and recommends its continuance.

Comment on section h. This section adopts without change the language of article III, section 9. The committee considered delegate proposals to increase the membership of the board of state canvassers, but in view of the general satisfaction with the work of the board as presently constituted, has concluded that no change is needed.

Following is minority report A to Committee Proposal 58 and the reasons submitted in support thereof:

Messrs. Norris, Pollock, Dade, Mrs. Hatcher, Messrs. Hodges and Buback, a minority of the committee on declaration of rights, suffrage and elections, submit the following minority report to Committee Proposal 58:

A minority of the committee on declaration of rights, suffrage and elections urges opposition to the proposed new language of Committee Proposal 58, article III, section f.

Messrs. Norris, Pollock, Dade, Mrs. Hatcher, Messrs. Hodges and Buback, a minority of the committee on declaration of rights, suffrage and elections, submit the following reasons in support of the foregoing minority report, which accompanied Committee Proposal 58:

We urge opposition to the proposed new language for the following reasons:

1. Not necessary. The new language added by the committee is particularly and unnecessarily restrictive. There has not been any dispositive showing that the recommended voting restriction is made necessary by experience since the adoption of the 1908 constitution. On the contrary, a showing may be made that this recommendation will endanger present and anticipated needs for schools, port developments and other public structures. At the time of adoption of the Constitution of 1908, ad valorem

sideration **Committee Proposal 58** and had agreed to the first 3 sections of that proposal, a, b and c.

For last previous action by the committee of the whole on Committee Proposal 58, see above, page 2213.

We are now on section d, and the secretary will read.

SECRETARY CHASE: Section d:

[Section d was read by the secretary. For text, see above, page 2213.]

CHAIRMAN MARTIN: Are there any amendments? Dr. Pollock.

MR. POLLOCK: Mr. Chairman, continuing our explanation of the various sections of this article, I will call on Delegate Buback to explain that and the background of section d. I yield the floor to Delegate Buback.

CHAIRMAN MARTIN: Mr. Buback.

MR. BUBACK: Mr. Chairman and ladies and gentlemen of the committee, the comments on section d will be found on page 412 in Journal 69:

[The comment on section d of the supporting reasons was read by Mr. Buback. For text, see above, page 2215.]

Mr. Chairman, I would move that this be adopted.

CHAIRMAN MARTIN: Are there any other proponents who wish to speak on this, Dr. Pollock?

MR. POLLOCK: No, unless there are questions.

SECRETARY CHASE: I have an amendment. Messrs. Yeager, Erickson, Mrs. Conklin, Messrs. Leppien, Hodges, Snyder, Young, Youngblood, Iverson, Gust, Mrs. Koeze, Messrs. Stevens, Powell, Blandford, McAllister, T. S. Brown, Everett, Boothby, Plank, Dean Doty, Anspach, Stopczynski, Cudlip, Shanahan, Wood, White, Seyferth, Hubbs, Dehnke, Kirk, Leibrand, Habermehl, J. B. Richards, Lawrence, Brake and Bentley offer the following amendment:

1. Amend page 2, following line 8, by inserting a new paragraph to read as follows:

"All qualified electors voting in any partisan primary election held within the state shall cast their vote by political party on separate ballots after declaring and registering party affiliation under rules and regulations prescribed by the legislature.".

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, ladies and gentlemen of the committee, I should like to make a short statement on this amendment and then yield to 4 or so other speakers. This amendment for a closed primary, you will notice, has some 40 sponsors and also has some bipartisan sponsorship.

The amendment provides that the legislature shall prescribe how this will be set up. We've had a closed primary in this state — I believe the last year was 1937. A closed primary is now had in many states, including Ohio, Illinois, California, New York, just to name a few of the major ones, and both of the new states, Alaska and Hawaii, have closed primaries. Now, closed primary means that to vote in a primary election, the voter must declare his party. The primary election, after all, is a party matter. The party people, both active and nonactive, decide in the primary who will be nominees of that party. This makes it a party affair. The general election in which everyone participates is a public affair.

A legislative bill on this subject, I am sure, would provide that anyone may register by party as a nonpartisan or as a Democrat, Republican, Dixiecrat, or whatever parties may be involved. This particular amendment simply provides that there will be a closed primary. The implementation of it will be taken care of by the legislature. A nonpartisan, who for any reason does not wish to declare his party, should certainly have that right; but he should not help to select the nominees of the various parties. When nominees are chosen in convention, it is a party affair. It should also be a party affair in the primary election as well. This amendment would strengthen the 2 party system and I believe this is highly desirable. It is no more legislative in character than having minimum age in the constitution.

In this new proposed constitution, we have provided for several bipartisan commissions and we have many bipartisan legislative boards and commissions; and registering by party is a great help in the selection of true bipartisan bodies. In the interest of a strong 2 party system, which ultimately means good government, I urge strongly the adoption of this amendment. I should at this time like to yield to Mrs. Conklin for a few words.

CHAIRMAN MARTIN: Mrs. Conklin.

MRS. CONKLIN: Mr. Chairman, fellow delegates, I rise to support this amendment. It has long been my opinion, as a party worker, that in the selection of a party's candidates, only those people who subscribe to the general philosophies of that party should be allowed to select the candidates for the party. I have a sincere belief that the word "politics" is much misused in our country. I believe a closed primary will upgrade politics in general and encourage the general public to more closely identify themselves with a party and take more interest in party activities. We certainly cannot be proud of the fact that we can only succeed in getting 64 per cent of the voters to vote even in a presidential election, and perhaps this will help.

Both parties spend much time and money in the attempt to identify their party members. Often the results of these surveys are inconclusive and incorrect. I am sure both parties have been subjected to having candidates appear on the ballot who, if nominated, would prove embarrassing to the party and would not be the type of candidate of whom members of the party nor the general public could be proud. I have seen this happen in my own congressional district, and only through the united efforts of the active participants in the party have these persons been defeated in the primary. It is my sincere hope that through a closed primary we can upgrade the subject of politics and encourage ethical improvements and principles of both major political parties. I urge the adoption of this amendment.

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, I should like to yield to Mr. Hodges.

CHAIRMAN MARTIN: Mr. Hodges.

MR. HODGES: Mr. Chairman and fellow delegates, I rise in support of this amendment. I believe if this was 20 years ago, I would be diametrically opposed to it. I think there was a day and time in our country where the closed primary was dangerous in terms of workers being singled out by employers and so on, knowing what their political affiliation was, and reprisals. I think those days are pretty much past. I think what Mr. Yeager and Mrs. Conklin said about party responsibility is true. We go to party conventions to nominate state officers and to adopt a platform. I don't think any of us would question trying to find out whether these people that are delegates to the state conventions are true partisans or not. And we do know that they are the most avid of all partisans.

I think it is equally true in terms of a primary, that that primary should be limited to particular persons within that political party. I think it would help. I think we've gone too far in the other direction. We've gone as far as California and some other states where they even allow cross filing and so on to get away from partisan flavor of government. But I think the trend is reversing itself. I think responsible partisanship is showing itself to be the real answer within the framework of our society. And I give my wholehearted support to this amendment.

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, I should like to yield to Mr. Bentley.

CHAIRMAN MARTIN: Mr. Bentley.

MR. BENTLEY: Mr. Chairman, fellow delegates, I am completely in accord, and have been for a long time, with this

proposed amendment to institute a closed party primary in our state of Michigan. I certainly feel that avowed members of both political parties should have the right to choose their nominees and I feel furthermore, that the nominees so chosen will more closely reflect, if they are chosen by a closed primary, the philosophies and the ideologies of their particular party and therefore do a better job of representing those parties in the ensuing campaign. I strongly support this particular amendment.

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, I should like to yield to a former county clerk, Mr. Leppien.

CHAIRMAN MARTIN: Mr. Leppien.

MR. LEPPIEN: Mr. Chairman, fellow delegates, a great deal could be said as to the real need in this nation for a return to party responsibility when it comes to political matters that affect this nation. Likewise, the same thing could be said for what affects this state. And I believe that one of the forward looking items or provisions that we should adopt into this constitution that we are writing is a proviso for the closed primary. The United States of America and all of its states have grown strong because of the 2 party system and I certainly urge everyone to give consideration to the support of this amendment to be added to the constitution.

MR. YEAGER: Mr. Chairman, our last speaker, Mr. Brake.

CHAIRMAN MARTIN: Mr. Brake.

MR. BRAKE: Mr. Chairman, ladies and gentlemen of the committee, I think the field has been well covered. I was in the legislature at the time this change was made to the open primary and Mr. Hodges has covered the reason for it. Partisanship was very sharp at that time. Jobs were scarce. It was claimed that people were being fired because they belonged to the wrong party and that's the reason the change was made.

Somebody is certainly going to say that this is legislative material, and not constitutional material, and ordinarily that would be true. Most of the regulation of the primary is statutory. But I am confident we will not get this change in the legislature. I tried several times to interest members of the elections committee in making this change and I always got the same answer: "No, no. I get Democrat votes in the primary. I'm not going to make that change." And if you talk to somebody in the other party, he gets Republican votes in the primary and he's not going to make a change. If we want the change made, we're going to have to make it here.

MR. YEAGER: Thank you, Mr. Chairman. I yield the floor.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, on behalf of the committee, I would just like to say a few words. Both Mr. Leppien and Mr. Hodges were on the committee and I was not aware that they favored this specific proposition which was before the committee and rejected.

There are, of course, sound arguments on both sides of the question of the closed versus the open primary. Michigan has in the past used both types, as well as a hybrid type which required voters to ask for a party ballot, but did not require party registration. Under the present constitution, the choice, of course, of the types of primary is a statutory matter. Unless we are convinced that one or the other type is better under all circumstances and at all times, it seems to me that we would be better advised to leave this in the hands of the legislature.

The major argument for a closed primary is that in an open primary, members of the opposition party may "raid" a party primary — that is, attempt to help nominate the weakest candidate so that their own party candidate will have an easier time in the general election. Certainly, if this were to take place regularly and in a widespread manner, it would be a great evil — perhaps great enough to warrant a constitutional provision of the kind before us in this amendment. However, I know of no convincing evidence that such "raiding" is a major problem in Michigan. Some years ago, I made an exhaustive study of the operation of the primary in Michigan and after long analysis, I concluded that primary raiding is very rare indeed. To be sure, voters do sometimes cross party lines in an open primary. But apparently they do so to support candidates they genuinely favor, and they tend to carry their support into the general election.

On the other hand, we should remember the considerations which prompted Michigan to adopt the present open primary. Only the open primary preserves the secrecy of party choice. Some voters may belong to a political party opposite from that of most of their friends, their business associates, or their fellow workers, and they may be quite reluctant to register a party affiliation which they fear might make them unpopular. The open primary, then, is a way of protecting minority party members and encouraging them to participate in their own party primary without fear of possibly adverse social and economic pressures. Whether such fears are well founded is not the question. They do exist. We must remember that while the state of Michigan is a competitive 2 party state at the present time, most local communities do not have close party competition. In some places, Democrats are overwhelmingly dominant; in others, the Republicans are invincible. The open primary, then, protects the Republican in Hamtramck and the Democrat in Sanilac county. (laughter)

Finally, let us not forget that the closed primary does not and cannot prevent a minority party member from registering in the majority party. So a really determined raider can still vote for one party in the primary and the other party in the general election. It is a notorious fact that in the 1 party south, most Republicans are registered Democrats. In those states, the closed primary has prevented the Republican party from achieving any significant interest or turnout in Republican primaries.

Mr. Chairman, my major purpose in these remarks is not, however, to argue for the permanent retention of the open primary. Conditions may change. If local party competition should become the rule rather than the exception, the case for a closed primary would be strengthened. I conclude, therefore, that it would be unwise to write into the constitution either the open or the closed primary, and I therefore urge the defeat of the amendment.

CHAIRMAN MARTIN: Mr. Marshall.

MR. MARSHALL: Mr. Chairman and members of the committee, I will be very brief because most of what I was going to say has been said already. I rise to oppose the amendment. I think that most of the reasons that Delegate Brake gave for being in support of it are many of the reasons that I would have for being opposed, not because those remarks were made by Delegate Brake, but I think the reasons are obvious. And I find myself in complete disagreement with Delegate Hodges. If he feels that the problem that he talks about doesn't exist any longer, then he forgets the many thousands of white collar workers in the state that have no protection whatsoever. And if he believes this, then he is guilty of the same thing that I accused some delegates the other day of being guilty of: slumbering in the tents of their forefathers.

Now, it seems to me that a man's politics ought to be his own personal business, unless he himself wants to announce publicly what his politics are and be active in a political party of his choosing. What do you do under a closed primary with the independent? You might have 4 candidates for governor on a given ticket, or on each ticket. The independent couldn't declare himself as an independent. He would have to declare himself as either a Republican or a Democrat, the 2 major parties, at least, and he would be disenfranchised.

And there are candidates in both parties, in times past — and I am sure that will probably be true for the future — that will appeal to the independent vote which has the swing of balance in many an election. And to me, to adopt a closed primary would be a step backwards. And if we are to adopt a closed primary, it seems that this is a matter that could

better be left to the legislature at their discretion rather than try to write it into the constitution. I oppose the amendment.

CHAIRMAN MARTIN: Mr. Madar.

MR. MADAR: Mr. Chairman, fellow delegates, coming up here to the convention today, Delegate Buback happened to read a letter to me that he received from the director of elections of the city of Detroit, and I asked him to allow me to read this letter if this particular subject came up.

Dear Delegate Pete,

With reference to the so called open primary which is presently being discussed by the convention, I wish to state I am very definitely opposed to the adoption of such a measure. In the first place, we strive on a continual basis to preserve the sanctity and secrecy of our elective franchise. The adoption of this measure would eliminate the secrecy feature in that anyone could determine how an elector voted simply by referring to either the poll book or application.

Just what is the purpose or objective relative to adoption of this proposal? Is it for the purpose of using coercion on the electorate by unscrupulous persons or organizations so that they will vote in accordance with the desires of such persons or organizations rather than with the dictates of their own thinking or conscience? I am opposed to the removal of the secrecy in casting a ballot.

My second objection is due to the belief that many persons will forego their civic duty if they are required to declare a political party preference. I am sure a large number will feel as I do, feeling that it is no one's business but my own as to how my ballot is cast. The mere fact that this could be determined by anyone if this measure would be adopted is reason enough for its defeat. There is too much of a possibility of unethical pressures and coercion being used to accomplish possible desired results, be they good or bad.

It is possible that the proponents of this measure may state that no record would be kept insofar as the political party preferences of the voters are concerned. Despite this, it would still be necessary for the voter to declare such preference to the inspectors of election. As I vote in an auditorium in which 3 voting precincts are located, I am certain that immediately upon my departure, every election inspector in this auditorium would know that I voted for a particular political party. I have a lot of faith in the honesty and integrity of our inspectors of election but I am also certain those of the opposite party for which I voted could possibly resent my political views while those of my preferred party could possibly feel that certain privileges could be assumed in the line of election duties.

For the reasons above mentioned, I am opposed to the adoption of this proposal. By the same token, if it is adopted, I do want the opportunity to vote for any non-partisan candidate which may appear on the voting machine ballot label in any primary in which partisan candidates also appear, without the necessity of being required to declare a partisan preference.

Sincerely yours,
City Election Commission
Lou Urban,
Director of Elections

P.S. While this may be of an incidental nature, sight should not be lost of the fact that a time and cost consuming job will be required in all communities equipped with voting machines in the adjustment of machines from the present secret primary levers to that of the open primary levers.

Now, this is the letter, as I said, from Lou Urban. Mr. Urban did give Mr. Buback the right to have this read today.

Now, I feel like Mr. Urban, Mr. Buback, Mr. Marshall, Dr. Pollock, and a good many more here today: how I vote is my business. I don't think it's anyone else's business how I vote.

Certain delegates here would have you believe that party candidates should be nominated by the party. Very true. I will agree with them on that. However, since when have they ever gotten to think that you can't do it any other way except by this particular method? A couple of those who spoke ahead of me for this, know full well that if you want to nominate certain people by the party, you can do it in convention. We have a state convention, just as we have a national convention. We have a county convention. We have a congressional convention. And if we wish to go ahead and nominate our state senators, our state representatives and others in convention, we can arrange to do that very, very easily. We don't have to do it by this method, which is strictly a coercion method. This is the type of thing that is used to put pressure on the voters and this is the type of thing that we eradicated with the help of the newspapers in the city of Detroit and the state of Michigan, and I hope we continue to keep it out, just as I hope we'll never again bring back ward politics as we had them in the city of Detroit. These 2 things, the ward politics and this closed ballot, are the type of thing that are used by the politicians who have no ethics. I am opposed to this amendment.

CHAIRMAN MARTIN: Miss Hart.

MISS HART: Mr. Chairman, fellow delegates, I am not going to belabor this point. I oppose the amendment and I should like to add that everything I might have said has been said, with the exception of one piece of evidence that I received rather by surprise a couple of years ago when I visited a nearby state which does exactly what the amendment proposes. I visited in that state 9 congressional districts and talked with people in each of these districts. I saw their very beautiful, but very beautiful, files in each of the Democratic offices where every bit of information was available that made precinct work simple. There were many reasons why anyone who was involved politically might like to have this. But when I talked with these people, I learned what really happens in this state is that large numbers of people do not register and do not vote simply because they are not willing, because of jobs or possibly because of social status or something of the kind, nevertheless are unwilling to register and to vote.

And so, to me, the benefits that might be derived are made useless by this kind of thing. It is far more important that everybody register and everybody vote than that parties have the names on hand so that the precinct workers don't have as much to do. Personally, I like the effort that the precinct worker has to make to get into his precinct and meet his people personally and find out where they stand, how they feel, and encourage them to vote because of something they believe rather than to be hauled out simply because their name is in a file and they are on record.

CHAIRMAN MARTIN: Judge Dehnke.

MR. DEHNKE: Mr. Chairman and ladies and gentlemen, it seems to me that some of the opposition to this proposal or amendment is based on failure to realize that party primaries are not elections in the constitutional or ordinary sense. Parties are separate organizations. They should be allowed to control and direct their affairs through their membership, and I personally cannot understand why anyone who is not a member of a particular party should want to have a voice to participate in the nomination of the candidates of that party any more than I could understand anyone who belongs to one church wanting to participate in the annual meeting and the election of officers of another church.

It is said that this causes people not to register and not to vote. It seems to me it is not anybody's duty to vote in the primary of a party of which he is not a member. He can wait and see who is nominated by each of the parties and then make his choice in the election that follows.

CHAIRMAN MARTIN: Mr. Perras.

MR. PERRAS: Mr. Chairman and fellow delegates, I rise in opposition to this amendment, my reason being that as a former resident of Cook county in the city of Chicago, Illinois, I know what happens there in the primaries. People

will stay away from elections because of fear of their positions or some relatives' positions in the city or county government. I've seen times there when people would not vote in the primary. I think that it is our duty to vote in the primary elections. That is why I am opposed to this amendment.

CHAIRMAN MARTIN: Mr. Young.

MR. YOUNG: Mr. Chairman, fellow delegates, I have been greatly persuaded by some of the arguments of previous speakers. When I get struck down, I'm among the first to admit it. I hate to leave Delegates Yeager, Brake, et al, hanging, but I hereby take rather hasty French leave of my cosponsors on the wall and announce my intention to vote no against my amendment. (laughter and applause)

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, leave is granted. (laughter)

CHAIRMAN MARTIN: The question is on the Yeager, et al, amendment. Mr. Buback.

MR. BUBACK: Mr. Chairman, ladies and gentlemen of the committee, I rise to oppose the Yeager, et al, amendment for several reasons. I wholeheartedly agree with Mr. Urban. We had quite a discussion this afternoon on this. This in the very large metropolitan areas is very serious from the standpoint that this involves the businessman, the clergyman and professional man. As soon as you make your party affiliation known, if you're in business, you're going to make enemies on either side. You're going to have people resent your party affiliation. The same way with clergymen. You're putting them at a disadvantage by asking them to openly declare their party affiliation in the primary, because he may vote Republican in one primary and Democratic in the next. It isn't fair to put them on the spot in that manner.

There is a question of the cost of paper ballots. How is an election official going to predict how many Republican ballots to print and how many Democratic ballots to print? You've got to have an equal number of these ballots, and you're never going to know how to agree or how to decide on how many ballots to print. There is another feature on the voting machine that there is going to have to be an additional strap or different apparatus attached to all these machines. There is going to be additional expense involved. And because of these various reasons, I would certainly urge you to oppose this amendment.

CHAIRMAN MARTIN: Mr. Faxon.

MR. FAXON: Mr. Chairman, I'd like to call for the yeas and nays.

CHAIRMAN MARTIN: The yeas and nays are demanded. Is the demand supported? Sufficient number up. Mr. Madar.

MR. MADAR: Mr. Chairman, is this for a record roll call?

CHAIRMAN MARTIN: Yes. This is a record roll call. The Chair hasn't called for it yet. Mr. Wanger.

MR. WANGER: Mr. Chairman, members of the committee, I have no personal experience with what the closed primary does but I do have experience in this area where there are thousands and thousands of people employed by our state government and by other branches of government, both federal and local. I've campaigned among these people and I've gone door to door, and I know a great number of them and I am satisfied that there are probably thousands of people in this community who for reasons known best to themselves desire to keep their party affiliation to themselves and not have it made a matter of public record, as this amendment would force them to do if they were to participate in the primary, which after all, is the real guts of the political process — the primary, not the election.

Now, we have not had raiding in this area, as far as the people who have been in politics in this area can determine, and I know that these people are good citizens and have contributed to good political choices in this area, and I suggest that this same situation will apply to several other areas in the state of Michigan. No one on the floor has presented any evidence whatsoever that raiding is a serious recurrent problem in this state. And in light of that fact, I urge you to vote no on this, first of all because the case for it, even as a legislative matter, has not been clearly established here on this convention floor; and secondly, because in any event, it is not a matter which should be frozen into the constitution.

CHAIRMAN MARTIN: Mr. Hubbs.

MR. HUBBS: Mr. Chairman, members of the committee of the whole, I rise in support of this amendment, of course, and I would like to point out that some of the arguments against it have been relatively vague. In particular, I think that Mr. Buback would find that after he went through an election he would be able to estimate very accurately about how many there were on each side and he wouldn't have any trouble printing the ballots in the future.

Somebody mentioned the effect of open allegiance to a party on a businessman. I would state that in a small town, and as the county chairman and a small businessman, I would be as subject as anybody would be to discrimination by somebody who was going to hold my politics against me. And I am happy to say that the Democrats in my area are very enlightened people. The last expensive car I sold, I sold to the town's leading Democrat, and he and I had a cup of coffee this afternoon and we're getting along fine. The only thing, the horn doesn't work right.

As far as I'm concerned, I think I'd like to point out to you that we all know that, on numerous occasions, politicians and statesmen have arisen and said that the freedom of this country depends on 2 strong political parties, and I submit to you that a great many things have happened lately to so weaken political parties that the freedom of the country in time will be in jeopardy if we don't do something to strengthen these political parties.

I would suggest that the closed primary might make possible a little gimmick that I had in mind tonight. Suppose when we went in and registered, that the state collected a couple of dollars from each Democrat and each Republican. The state could keep one dollar to finance the cost of conducting the party's election and the other dollar could go to the political party. This would serve 2 functions. It would relieve the state of the burden of financing a party function and would provide the parties with money to finance their own functions.

And the last thing I would like to say is that if anybody is so eviscerated of courage and character when they go into a voting booth that they are afraid to declare their politics and what they stand for in this country today, I feel sorry for them, and I think that we should vote in favor of this amendment.

CHAIRMAN MARTIN: Mr. T. S. Brown.

MR. T. S. BROWN: Mr. Chairman, fellow delegates, when Mr. Yeager first approached me with this amendment, I thought about it for a while and prior to becoming a signatory party, I thought that the objectives were laudable because—and this reasoning may be a little abstract, but it is my wont to engage in those things — I felt that participation in partisanship and the philosophical results of this type of partisanship participation were what is necessary in the long run in our country in that, among today's children especially, there is a laissez faire attitude about responsibility about government, about the cleavage between political philosophies and so on. I thought this would tend to help in the long run to stimulate participation from a meaningful point of view and tend to further involvement in our government in one party or another. But in the interim, I feel that the short run consequences of this amendment, as have already been described this evening, would be deleterious. And since — again, from my point of view — this convention has not always seen the far picture and has generally tended to be short run, I should not like to see a rose among the thorns, and at this particular juncture, I have decided to withdraw my sponsorship of the amendment.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, fellow delegates, I merely wanted to say in concluding what I hope will be a very brief debate on a not very important matter, that the committee thinks it simply unwise to write into the constitution either the open or the closed primary and therefore hope that you will defeat the amendment.

Apropos of Mr. Brake's comment that he realizes that this is a statutory matter, we've had so many violations of this principle as we've been grinding out this constitution, that if we continue to put statutory matter, I think, of a very minor sort such as this is, into the constitution, I suggest this week when we come to consider problems of legislative powers, that we just abolish the legislature and stay in session ourselves. (laughter and applause)

CHAIRMAN MARTIN: Mrs. Conklin.

MRS. CONKLIN: Mr. Chairman, fellow delegates, I would remind Dr. Pollock that last week we decided that the legislature never gets around to doing anything, so we passed an important civil rights commission, which everyone hailed as a great act. So I agree with Delegate Brake, that if we're going to get this in, maybe we better act on this too.

I would like to ask Delegate Buback a question, if he would care to answer. Pete — excuse me — Mr. Buback, when you get your election workers who are assigned to the election booths in the city of Detroit, how do you select these people, or whoever does select them? How are they selected?

CHAIRMAN MARTIN: Mr. Buback.

MR. BUBACK: That function is a matter of the city clerk's office. I have nothing to do with selecting election inspectors. But I understand they have to take a test and they have to pass an examination there and they're selected on that basis.

MRS. CONKLIN: Mr. Chairman, Mr. Buback, am I incorrect then in understanding that when they sign up to work on the election board that they declare themselves by party?

MR. BUBACK: That is true. Under the law, they're supposed to be 50 per cent from one or the other parties. First their qualifications are scrutinized and qualified people are always chosen first.

MRS. CONKLIN: I would point out, Mr. Chairman, that apparently this doesn't work too well because a couple of years ago, when I worked in my party headquarters and the subject of workers for census came up, I had any number of people come in who had registered for working for the city of Detroit as election workers, and when I asked them if they had a party preference, they said no, they were independents. So somewhere along the line something slipped apparently.

I would point out that I don't know what happens outstate but I know that in Wayne county, where we have such huge precincts and such a tremendous job of everybody watching to see that everybody is handled properly, the challengers are used in every poll by both parties. And the purpose of these people is to sit there from morning to night to watch the election workers and make sure that nothing is done that's illegal.

I would point out that if you had a real basis and a real means of selecting your election workers, where they do declare themselves other than just coming in and saying, "I'm anything that you think you need on the board," that you would know that you had a 50-50 board and each party is going to watch the other party and you don't have to worry about getting your challengers in there all day to watch each other. I know of one instance — and I won't name the party, I won't name the city — but I do know that one election worker was signed up and said she wanted to work on the election board. She was asked what party she preferred. She stated her case, her party. It was suggested to her, "Why don't you say you're a Democrat? I need Democrats." I submit that this is one way of being sure that your election workers are of the party that they say they are and I would submit that this would be a better way in Wayne county, no matter what you do outstate. But I would feel a lot more comfortable if, when I went in to vote, I knew that there were 6 people sitting there, 3 of whom were watching the other 3. (laughter) I'd like to support this amendment.

CHAIRMAN MARTIN: Mr. Norris.

MR. NORRIS: Mr. Chairman, fellow delegates, I have been very heartened to see that we have given deliberation to this subject matter and I am disturbed to see that some people feel that when we speak more than 15 or 20 minutes on any particular subject matter, that this is too much for a deliberative body. I am most happy to see that this has happened.

I want to advance this proposition in a brief manner, if I may: first, that I don't think the court would regard this as a constitutional concern, but there are constitutional considerations which enter. I submit that freedom of speech includes freedom to remain silent, freedom of conscience, freedom of private belief. And if you establish as a condition precedent to the right to vote in a primary the declaration of political preference, that this becomes a substantial infringement upon the right of silence, the right of conscience, the right of private belief. And I think this matter ought to be left up to the legislature to see whether or not we can, in this state of ours, reach a state wherein there would be the hospitality, the acceptance, the encouragement of political difference, of political concepts, of political declaration of beliefs without public obloquy, and without economic coercion. This is an ideal to be sought, it seems to me, and this is the kind of consideration that I'd like to advance for our concern as part of the deliberative process in this matter. I would support the position against the amendment, Mr. Chairman.

CHAIRMAN MARTIN: Mr. Habermehl.

MR. HABERMEHL: Mr. Chairman, fellow delegates, I think we ought to accept the fact that for at least several decades, the 2 party system, 2 parties of approximately equal strength, has been our form of government, and I think that most of us here are well convinced that this is exactly the form of government, the basics of our government that we want to see continued. I think possibly nothing has done more harm to the idea of approximately 2 equal parties than the idea of the open primary.

In response to Mrs. Conklin, we have outstate great numbers of candidates who make their decision as to which party they belong to when they decide they want to run for election. If the area is strongly Republican, they are Republican candidates. We have as a result candidates elected and nominated that disavow any idea of any loyalty to their party, the party under whose banner they are running. On the contrary, we have had quite a few instances where, after a candidate was nominated under a particular party label, the party itself disavowed the candidate. This is not responsible government. It we want to restore any idea of responsibility to the 2 major parties, it seems to me this is one way to do it. No party could, if the person has registered as a Democrat, disavow its own candidate, and a person must then make his decision as to the principles of which party he believes in before he decides it on a matter of political expendiency. This, I believe, is a very important question and I agree that this is the only place it could be done. It couldn't be done in the legislature.

CHAIRMAN MARTIN: Mr. Madar.

MR. MADAR: Mr. Chairman, I just wanted to give Mrs. Conklin some information, but that was taken care of very nicely by Mr. Buback, so I'll just pass.

CHAIRMAN MARTIN: Mr. Faxon.

MR. FAXON: Mr. Chairman and fellow delegates, I just want to defend the elections in the city of Detroit which are conducted very fairly. The people who are in the employ of the city elections commission are doing a very fine job. Any aspersions upon these people are unfairly cast. I want you to know that the machines have been working out very well there and the present system there doesn't really need any alterations. (laughter)

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, ladies and gentlemen of the committee, this is the first amendment I think to have been on the floor that lost 2 sponsors before we got the vote, and if there are any people who would like to volunteer to join us, we'll take applications here.

There have been a few arguments made that I'd like to give a short answer to in the course of the discussion here tonight. The statement was made that the committee decided

this and turned it down. Now, that is true in a sense, but I submit that it was the subcommittee of the committee which took a look at it, namely, 3 members, and the chairman of that subcommittee stated to me that they turned it down as being legislative. As one of the original sponsors of the original delegate proposal, I never had an opportunity to come before that committee and make a case for this thing.

The point was made also that a closed primary would not stop raiding from one party to the other. Well, I submit that in most states where there is a closed primary, there is usually a 6 months time period before the election which prohibits you from changing your party registration so that if you were going to do any raiding, you would have to make that decision 6 months prior to the primary.

Mr. Norris raised the question of freedom of a person in this connection and being permitted to have secretive elections. I submit that this closed primary does not interfere with individual freedom; that the person would have the option, I think, of being a nonpartisan if he so chose.

The states of Ohio, California, Illinois, New York and New Jersey have these, as well as Hawaii and Alaska. If this is so detrimental to freedom, I'm surprised that these states retain these. They have very strong votes in those states. Nonpartisans are not forced to declare their party. They can vote in the general elections without any inhibition. Most of the primaries in this state only have a 20 per cent vote of people eligible to vote anyway.

It seems to me from some of the statements that have been made, there seems to be a great deal more concern for the cost of election and printing and election machinery than for the kind of government we get. I am concerned with the cost of these things, but I simply submit that if you're going to have a system, then that system applies equally throughout the state, and if it's a good system, if there is some additional cost to it, and it accomplishes the end of good government, then I would support it. I really don't believe there have been any real good reasons given for not adopting this amendment to strengthen the 2 party system, and again I urge you to vote yes on this amendment. Thank you.

CHAIRMAN MARTIN: Dr. Anspach.

MR. ANSPACH: Mr. Chairman, fellow delegates, I condense a 15 minute address with the very simple sentence: I support the amendment, and I do so now because I don't want to become confused like this drunk who walked up to a policeman and said, "Where is the other side of the street?" He said, "Over there." The drunk said, "That's peculiar. I was over there a while ago and they told me it was over here." (laughter)

CHAIRMAN MARTIN: Mrs. Koeze.

MRS. KOEZE: Mr. Chairman and fellow delegates, I think all of you know my party affiliation. I'm not only the national committeewoman of the Republican party, but I am also my own precinct worker. I have worked in my precinct many, many times canvassing. I have never had any trouble with anyone, Democrats or Republicans, in asking for the information that I needed in regard to their party. No one has ever turned me down.

Two years ago, when I was campaigning in my precinct for the Nixon-Kennedy campaign, I found one gentleman that said to me, "Well, isn't this supposed to be secret?" And I said, "You can have it secret if you like, but I'm sure if you're a Democrat or if you're a Republican, you should be very, very proud of the party that you belong to."

In my work as a party official, working with both independents and my party people, I have always pointed up that people as such and voters should have some party responsibility. I have stressed in my work with young people that they pick a party that comes closest to their ideals, principles and purposes. It won't always be 100 per cent to a person's liking, but pick a party, work for it and support it. I believe this is essential. And particularly in this day and age, when we have a group of youngsters growing up that are intellectuals, but who think there is some aura about being an independent, I think we should point up all the more to them that it is their responsibility to pick one of 2 of the major parties in the United States. I have done this in all my work with the young people, with the women's groups and, on many, many occasions, I've been asked to speak to independents, people whose politics I didn't know, and this has been my approach to it, that there is a responsibility. It always reminds me, the people that run around and pride themselves on the fact that they're independent, of the people that belong to a church, or they go with their church papers in their pockets from one church to another, but never support the church that they should be supporting.

So I point out that I am definitely in favor of this. I don't think there is any ulterior motive behind it. I think it's about time the people in America are stressing and pointing up to the fact that it's about time they're picking a party and being proud of the party that they pick. (applause)

CHAIRMAN MARTIN: Mr. Sterrett.

MR. STERRETT: Mr. Chairman and members of the committee, I'd like to join one of the spots that were left on this amendment. I have for several years now worked on the encouragement of political action and given talks to groups, urging them to join the political party of their choice. Occasionally I would have the comment come up that I've heard here several times tonight about, "Oh, I couldn't declare a political party because I'd get in bad with my employer." I have challenged that on occasion and I asked this person who he was employed by. Upon finding out, I went to the employer myself and I found that this is a bunch of baloney. It makes me sick, because I've stood up for my own political convictions. I can recall a conversation recently with the president of my firm and it was about a legislative matter over across the street. And I said, "Oh, he's an old dyed in the wool conservative and I'd never go along with that." He said, "Now, don't be silly. That's a good idea." And I said, "That's your opinion and that's my opinion," and we were all happy. We both had our own opinion. I'm not fired. I'll have a job when I go back. Stand up for what you believe in.

CHAIRMAN MARTIN: The question is on the Yeager amendment. The yeas and nays have been called for. The secretary will ring the bell. The question is on the Yeager amendment.

MR. YEAGER: Mr. Chairman.

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, could I ask that we clear the board before we vote, since this is the first vote of the evening?

CHAIRMAN MARTIN: We will do that, Mr. Yeager. The question is on the Yeager amendment. The Chair will ask the secretary to read the amendment, please.

SECRETARY CHASE: The amendment now offered by Messrs. Yeager, Erickson, Mrs. Conklin, Messrs. Leppien, Hodges, Snyder, Youngblood, Iverson, Gust, Mrs. Koeze, Messrs. Stevens, Powell, Blandford, McAllister, Everett, Boothby, Plank, Dean Doty, Anspach, Stopczynski, Cudlip, Shanahan, Wood, White, Seyferth, Hubbs, Dehnke, Kirk, Leibrand, Habermehl, J. B. Richards, Lawrence, Brake, Bentley and Sterrett:

[The amendment was again read by the secretary. For text, see above, page 2232.]

CHAIRMAN MARTIN: Will you clear the board, please. The question is on the Yeager amendment. Those in favor will vote aye; those opposed will vote nay. Have you all voted? If so, the secretary will lock the voting machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—55

Andrus, Miss	Finch	Powell
Anspach	Habermehl	Prettie
Bentley	Hanna, W. F.	Pugsley
Binkowski	Haskill	Richards, J. B.
Blandford	Hodges	Rush
Bonisteel	Hoxie	Seyferth

Boothby	Hubbs	Shaffer
Brake	Hutchinson	Shanahan
Brown, G. E.	Iverson	Sharpe
Conklin, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Stamm
Dell	Koeze, Mrs.	Sterrett
Doty, Dean	Leibrand	Stevens
Doty, Donald	Leppien	Thomson
Erickson	Millard	White
Everett	Page	Wood
Farnsworth	Plank	Yeager
Figy		

Nays—60

Allen	Hatch	Perlich
Austin	Hatcher, Mrs.	Perras
Balcer	Higgs	Pollock
Barthwell	Hood	Rajkovich
Batchelor	Jones	Richards, L. W.
Beaman	Judd, Mrs.	Romney
Buback	Kelsey	Sablich
Cushman, Mrs.	King	Sleder
DeVries	Kuhn	Staiger
Donnelly, Miss	Lesinski	Stopczynski
Durst	Liberato	Tubbs
Elliott, A. G.	Madar	Turner
Elliott, Mrs. Daisy	Mahinske	Tweedie
Faxon	Marshall	Upton
Follo	McGowan, Miss	Van Dusen
Garvin	McLogan	Walker
Goebel	Murphy	Wanger
Greene	Norris	Woolfenden
Hannah, J. A.	Ostrow	Young
Hart, Miss	Pellow	Youngblood

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Yeager and others, the yeas are 55; the nays are 60. (applause)

CHAIRMAN MARTIN: The amendment is not adopted. The secretary will read.

SECRETARY CHASE: Mr. Kuhn offers the following amendment:

1. Amend page 2, line 8, after "voting" by changing the period to a colon and inserting "Provided however, That no law shall be enacted which permits a candidate in any partisan primary or election to have a ballot designation except when required for identification of persons who are candidates for the same office and have the same or similar surnames.".

CHAIRMAN MARTIN: The committee will be in order. Mr. Kuhn.

MR. KUHN: Mr. Chairman and members of the committee, to me, this is one of the most important things that will come before this convention because all I've heard here is the question raised as to whether or not the legislature is responsive to the will of the people. To me, a little known act has made the legislature less responsive to the will of the people. I don't know how many of the delegates are aware of this statute that passed in the year 1957. I'd like to read it to you. It says this:

> Each candidate for nomination who qualifies pursuant to section 163 and who at the time of qualification is an incumbent of the office for which he so qualifies shall be entitled to have printed on the primary ballot under his name the words "state senator" or "state representative," according to the office he holds, upon making application therefor at the time of his qualification.

Now, what does that mean? It means simply this, ladies and gentlemen: for any reason an incumbent legislator may wish, he can ask for a ballot designation. In other words, for example, he files to be a candidate and some person of some notoriety decides to run against him — a con con delegate, for example. He merely asks for this ballot designation. I ask you this question: what other candidate for any political office in the state of Michigan has that privilege? The answer is, none. The legislature did this solely for themselves. One member of our group, who was a member of that legislature in 1957 when the statute was enacted, told me — I am referring to Senator Hutchinson, and I am happy to announce this now — that he voted against this particular statute.

Certainly, no one acquainted with the elective process and the general tendencies of the electorate can deny that this designation extends an advantage to the incumbent of the office. To allow the legislature to provide themselves with such an advantage is certainly to allow them to violate other candidates' rights to the equal benefit of government guaranteed by article II, section 1. The constitution provides for the qualifications, eligibility, time and term of elections for the executive officer in article VI, section 1; for the state educational officials, in article XI, sections 2, 3, 4, 5, 6, 7 and 8; and for the legislative department, in article V, sections 2, 3, 5, 6, 7 and 12.

CHAIRMAN MARTIN: Can we have a little more order, please? It is difficult for the speaker to be heard.

MR. KUHN: Finally, in article III, section 8, the constitution commands the legislature to make such laws as shall "preserve the purity of elections and guard against abuses of the elective franchise." Mr. Chairman, taken as a whole, the constitution clearly is meant to restrict the right of the legislature in the field of elections to the right to enact laws concerning the formalities of procedure and to the prevention of abuses and assurances of purity in the elective process.

Now, many of you will say, "Well, just how much of an advantage is this?" I discussed this with Pete Buback the other day and I think he can remember when we were discussing the judicial article, that it is an advantage that exceeds 25 to 30 per cent of the vote.

Let me read to you what the supreme court said in Elliott vs. Secretary of State, 295 Michigan at pages 249 and 250 and this had to do with the election officials not rotating names. In other words, the election officials allowed a certain candidate's name to be at the top of the ballot. The supreme court said this:

> It is not consistent with fairness nor purity of elections or the avoidance of misuse of elective franchise for election officials to prepare ballots in such a condition as will afford one candidate or nominee an unfair advantage over rival candidates or nominees.

And then they said at the bottom of page 249:

> It is a commonly known and accepted fact that in an election, either primary or general . . . those whose names appear at the head of the list have a distinct advantage.

And I submit to you, ladies and gentlemen, that if your name appears at the top of the ballot, and you have such a distinct advantage that the supreme court says you're not having a fair election, when one group of public officials, at their own will, can have a ballot designation, we are destroying the purity of elections.

I asked the legal research to look into this problem just to see what the results were since this statute came about. I did not tell them what I wanted it for. I said, "Would you kindly check the elections from 1950 to 1960?" This is the result of that poll: they said, "In 1950—" and they made comments which I did not ask for — "a good year for the underdog, 11 incumbents were defeated." Eleven incumbents were defeated in 1950. "In 1952, 7; in 1954, 6; in 1956, 7." And then in 1958 he has this remark next to it, "A bad year for the underdog, 4." And I said, "You forgot 1960." He said, "Oh, I didn't know you wanted that." He went back and checked out 1960 and came back, "A worse year for the underdog, 3."

Ladies and gentlemen, I submit to you that if we do not do something at this time to correct this abuse, we will not have fair and pure elections. And I therefore urge the adoption of this amendment so we will have a more responsive legislature and so we will not have 144 people running for public office and only allowing 3 to be defeated. And I also would like you to remember this: that this does not apply just to the legislature, but it applies to all elective officials on a partisan ballot, and it also gives anybody who tries to fool or surprise the public by a same or similar surname the right to have the designation. Thank you.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I reply to Mr. Kuhn's amendment similarly to what I said before in connection

with previous amendments. I repeat again that one of the principal purposes of our committee was to assign to the legislature in unequivocal language the power and the responsibility to deal with the problems of election administration. There may be merit in Mr. Kuhn's opposition to ballot designation. I am not arguing that question. But this is just one of hundreds of possible details of election administration that we considered in our committee. We've attempted to avoid such statutory detail and this amendment, whatever its substantive merit, is essentially a legislative matter. I therefore urge the defeat of the amendment.

CHAIRMAN MARTIN: Mr. King.

MR. KING: Mr. Chairman, fellow delegates, I support this amendment. I think that the reasons advanced by Dr. Pollock are not valid in this particular case because this particular amendment deals with something which the legislature themselves would be hard pressed, obviously, to deal with. Now, if you were a guard in a bank and a man came in with a mask on, you wouldn't give him your gun and badge and ask him to watch the place while you went for a cup of coffee. And I don't think that this is the time when we should or want to trust the legislature. If you believe that the legislature or any other elected official, except judges, should not be entitled to this ballot designation, then this is the time to take care of it.

CHAIRMAN MARTIN: Mr. Elliott.

MR. A. G. ELLIOTT: Mr. Chairman, I too would like to urge the delegates to think carefully about this amendment and to give it some very serious affirmative consideration. It seems to me that when the legislative organization committee in its wisdom faced the problem of establishing an apportionment commission, that they obviously saw the impossibility of asking the legislature to do it and that there was testimony to the effect that many of the legislators urged that the commission be formed in order to take it from them, as it was a difficult assignment and one which was almost impossible for them to do. For the same reason, I feel that the legislature would be hard pressed now to reverse their position on this ballot designation. And it seems to me further that the people of our state and of our various local units of government should have the right of freedom of choice without a silent salesman in the ballot booth. So I would urge the adoption of this amendment.

CHAIRMAN MARTIN: Mr. Marshall.

MR. MARSHALL: I'm inclined to go along with Delegate Kuhn with his reasoning because there are some state senators and representatives of both parties that I would like to see clobbered. (laughter) But I am reluctant, however, to write this into the constitution because I don't think that you can cover every phase of the election process in the constitution. I don't think, even if this was put into the constitution, that it would really correct the matter; because I recall before this was done, all a candidate had to do was to go out and get another Kowalski or another Smeekens and stick his name on the ballot and he got the incumbent designation anyway. And, he would under this.

I agree that there is some validity to the argument that if there was a Jack Faxon running who was the incumbent and he had another Jack Faxon run just in order to get the incumbency designation, it might not work to his advantage as much as it would if he had the incumbency without another Faxon. Because I can recall the situation in Wayne county where a very good friend of mine — I think it was his cousin or his wife or someone ran, and she almost won. And he was the incumbent.

But I seriously do not believe that this should be in the constitution. I think it's statutory. And if we should set about to write all of the details, all of the amendments to cover every phase of the election process, we would be here until this time next year. And I would urge the defeat of the amendment and it can best be left to the legislature. Thank you.

CHAIRMAN MARTIN: Mr. Allen, would you take the Chair for a moment so that the Chair might express himself on this subject?

[Whereupon, Mr. Allen assumed the Chair to preside as chairman of the committee of the whole.]

CHAIRMAN ALLEN: The Chair recognizes Delegate Martin.

MR. MARTIN: Mr. Chairman, I haven't exercised this privilege but I can't speak from the Chair and I did want to express myself on this particular point. It seems to me that this designation provision provides a grossly unfair situation. There is no question but what the figures that Mr. Kuhn gave you are correct, and that the possibility of anyone running successfully against an incumbent when that designation is on the ballot is very remote. It seems to me — and I would feel this if I were in the senate, as I was at one time — that incumbents have a great advantage in any event, through the fact that their activities give them publicity and give them an opportunity to be known. In their constituency they already have a tremendous advantage in running for reelection, and perhaps they should have at least that opportunity. But to give themselves this designation goes far beyond what seems to me to be reasonable. I believe that the Kuhn amendment has great merit and that careful consideration ought to be given to it by the delegates. Thank you, Mr. Chairman.

CHAIRMAN ALLEN: The Chair recognizes Delegate DeVries.

MR. DeVRIES: Mr. Chairman, members of the committee, I am going to have to disagree with my distinguished colleague from the University of Michigan. I think that this amendment is a constitutional principle because we're dealing with equality of access to public office. The rationale here is that elected officials are close to the people. If this is true, then people know their elected officials and they can evaluate their performances. Therefore, I would conclude: why do you need an incumbency designation on the ballot if officials are so close to the people who have elected them? Because by definition, an elected official must be well known and must have made some kind of creditable performance. Further, the incumbency designation for any other purpose than similar names is undemocratic because the officeholder, by definition, has enough advantage over challengers. So I would urge you to support this amendment because I think it is a constitutional principle. It is not rational, democratic or in a spirit of fair play to have an incumbency designation on the ballot primarily because it denies equal access to people who seek public office. And I would urge you to support the amendment, and I would demand the yeas and nays.

CHAIRMAN ALLEN: Mr. Martin, I am very happy to turn the Chair back to you.

[Whereupon, Mr. Martin resumed the Chair to preside as chairman of the committee of the whole.]

CHAIRMAN MARTIN: The yeas and nays have been demanded. Is the demand supported? Sufficient number.

Mr. Stevens.

MR. STEVENS: Mr. Chairman, I want to speak very briefly on this. As a member of the committee on rights and elections, we have no opposition to the idea presented here — to the substance of the matter — but we tried so far as possible to turn all these details over to the legislature. I know Dr. Pollock told you about this. It was the consensus of the committee that we should put as little detail into the constitution as necessary, leaving the legislature free to take care of these things. Thank you.

CHAIRMAN MARTIN: Mr. King.

MR. KING: Mr. Chairman, fellow delegates, once again this argument is brought up that this should be left to the legislature. In direct rebuttal, I'd like to point out that the sheriff, the drain commissioner, the clerk and the register, all of these people don't have this advantage. Congressmen don't have it. United States senators don't have it. The vice president of the United States doesn't have it. The president of the United States doesn't have it. We are only talking about the legislature; very obviously, they're the last place in

the world where you should expect relief. And if I were there, you probably couldn't expect it from me either. So let's take care of it right now while we have the chance.

CHAIRMAN MARTIN: The question is on the amendment of Mr. Kuhn. Mr. Norris.

MR. NORRIS: Mr. Chairman, I rise to support the Kuhn amendment on the basis that it's not merely a matter, as Mr. DeVries indicated, of equal access to office; it is a question of the responsiveness of those who run for office and those who have been elected who are running for reelection. One of these reasons that I was disturbed with regard to the question of apportionment is that we want to achieve a responsive and representative legislature and, in my judgment, experience has shown pragmatically that the incumbency designation is a serious impediment to a responsive legislature. This means to the person who is running that he has a substantial vote to start with and he doesn't have to get close to the people, he doesn't have to watch the trends, he doesn't have to be with them to sense their judgment, to assess what their needs are and to make his job one of reflecting their needs and reflecting the wisdom necessary to make the legislature properly exercise its legislative power.

I think, as Mr. King suggested, there are limitations in the matter of regarding this as a legislative matter, and I think, both as a matter of principle and as a matter of service to the people, we ought to support the amendment.

CHAIRMAN MARTIN: The question is on the Kuhn amendment. The yeas and nays have been demanded. Mr. Danhof.

MR. DANHOF: Mr. Chairman, if I might, may I make an inquiry of the sponsor of the amendment, Mr. Kuhn?

CHAIRMAN MARTIN: You may ask a question, if Mr. Kuhn wishes to answer.

MR. DANHOF: Mr. Kuhn, on line 3, I notice the word "partisan" before "primary." I take it that the "partisan" refers also to the election. Is that correct?

MR. KUHN: That is correct.

MR. DANHOF: Thank you.

CHAIRMAN MARTIN: The question is on the —

MR. KUHN: Mr. Chairman, I'd like to make a last statement on this, please.

CHAIRMAN MARTIN: Mr. Kuhn.

MR. KUHN: It's been brought out that this is legislative. I'd like to remind my friend, Dr. Pollock, that we put a governor's mansion in the constitution and I don't know of anything that could be more legislative than that. He wanted the civil service commission in the constitution and we went along with him on that—which is strictly legislative. We put in a civil rights commission, which is strictly legislative. We put in a highway commissioner to be appointed by a commission, which is strictly legislative. We have earmarking, which is legislative.

This is something that is so important—I've been following elections for 26 years, and I'm only 32 (laughter) but I want you to know this: you cannot have a fair election when you allow one group, one body, to say, "When we feel like it we'll ask for ballot designation." And that is exactly what we're allowing them to do. And this will not only apply to the legislature; it will apply to everybody in the state of Michigan on a partisan ballot.

CHAIRMAN MARTIN: The secretary has an amendment to the amendment, which he will read.

SECRETARY CHASE: Mr. Hubbs offers the following amendment to the amendment:

1. Amend the amendment, after "any" by striking out "partisan"; so that the language of the amendment will read, "Provided however, That no law shall be enacted which permits a candidate in any primary or election to have a ballot designation. . . ."

CHAIRMAN MARTIN: Mr. Hubbs.

MR. HUBBS: Mr. Chairman, members of the committee, it seems to me if the legislature is the primary source of political power in the state and they shouldn't have the incumbency designation, I agree with this idea. But I don't believe anybody should have this kind of advantage in seeking public office or having someone run against him to remove him. And I think by striking the word "partisan" here we can make this thing apply to all elected officials in the state. Everybody — that's right, Mr. DeVries.

In addition, I'd like to make one comment. A moment ago, we voted 55 to 60 on the question of closed primaries. I don't see how you can have a partisan primary when there's nothing partisan about it. It's a public primary. It's a nonpartisan primary. That's what it is. Thank you.

CHAIRMAN MARTIN: Mr. Buback.

MR. BUBACK: I wanted to ask Mr. Hubbs a question, Mr. Chairman. Does this preclude the circuit and supreme court justices and all of the nonpartisan judges from getting a designation?

MR. HUBBS: I would assume that it does, Mr. Buback.

MR. BUBACK: If this is adopted, what happens to the judicial article, where we have approved automatic designations for supreme court justices, circuit court judges and probate judges?

MR. HUBBS: I didn't quite hear how you started your question.

MR. BUBACK: In the judiciary article we have provided that the probate judges, circuit court judges and the supreme court justices automatically be given designations without requesting them. Would this preclude them from getting that automatic designation?

MR. HUBBS: I would say that it might. In other words, it's going to eliminate a sort of closed shop agreement amongst the pettifoggers. (laughter)

MR. DANHOF: Point of order, Mr. Chairman.

CHAIRMAN MARTIN: Mr. Danhof. State your point.

MR. DANHOF: Mr. Chairman, some 2 or 3 weeks ago this committee, then the convention decided specifically on giving judges an incumbency designation. It is obvious that this amendment is to vitiate the action taken by the convention by a record roll call vote. I submit that this matter has been passed by this convention and cannot now be considered at this time. But the proper time will be upon the second reading of the judicial article. I ask for the ruling of the Chair.

CHAIRMAN MARTIN: The Chair thinks, Mr. Danhof, that your point of order is well taken and that the matter has been passed on by the convention. Mr. Hubbs, it would be possible for you to offer an amendment at a later stage to the section relating to the judiciary. But the Chair thinks your amendment is out of order at this time and will so rule.

MR. HUBBS: Mr. Chairman, I will withdraw the amendment.

CHAIRMAN MARTIN: Thank you, Mr. Hubbs. The question is on the Kuhn amendment.

SECRETARY CHASE: Mr. Kuhn's amendment is:

[The amendment was again read by the secretary. For text, see above, page 2238.]

CHAIRMAN MARTIN: The question then is on the Kuhn amendment. The ayes and nays have been demanded. The secretary will ring the bell. All those in favor of the Kuhn amendment will vote aye. Those opposed will vote nay. The question is on the Kuhn amendment. Have you all voted? If so, the secretary will lock the voting machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—92

Allen	Goebel	Perras
Andrus, Miss	Gover	Plank
Anspach	Greene	Powell
Balcer	Habermehl	Prettie
Beaman	Hanna, W. F.	Pugsley
Binkowski	Hannah, J. A.	Rajkovich
Blandford	Haskill	Richards, J. B.
Bonisteel	Hatch	Richards, L. W.

Boothby	Higgs	Romney
Brake	Hoxie	Rush
Brown, G. E.	Hubbs	Sablich
Brown, T. S.	Hutchinson	Seyferth
Buback	Iverson	Shaffer
Butler, Mrs.	Jones	Shanahan
Conklin, Mrs.	Karn	Sharpe
Cushman, Mrs.	King	Sleder
Danhof	Kirk, S.	Spitler
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Leibrand	Thomson
Doty, Dean	Leppien	Turner
Doty, Donald	Madar	Tweedie
Durst	McAllister	Upton
Elliott, A. G.	McGowan, Miss	Van Dusen
Everett	McLogan	Wanger
Farnsworth	Millard	White
Faxon	Norris	Wood
Figy	Page	Woolfenden
Finch	Pellow	Yeager
Garvin	Perlich	

Nays—24

Austin	Hart, Miss	Marshall
Barthwell	Hatcher, Mrs.	Murphy
Batchelor	Hodges	Pollock
Bentley	Hood	Stevens
Dade	Judd, Mrs.	Stopczynski
Douglas	Lesinski	Tubbs
Elliott, Mrs. Daisy	Liberato	Walker
Erickson	Mahinske	Young

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Kuhn, the yeas are 92; the nays are 24.

CHAIRMAN MARTIN: The amendment is adopted. Are there any other amendments, Mr. Secretary?

SECRETARY CHASE: That's the last amendment on the desk on section d.

CHAIRMAN MARTIN: Are there no further amendments? Section d, as amended, is agreed to. The secretary will read.

SECRETARY CHASE: Section e.

[Section e was read by the secretary. For text, see above, page 2213.]

MR. POLLOCK: Mr. Chairman.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: The major change affected by this section would be the elimination of the spring election. Testimony before the committee has convinced us that the spring election has so many undesirable characteristics that it should be permanently retired. We considered other alternatives, but we decided this was the wisest measure to take.

In the first place, election statistics have clearly proved that voter participation in spring elections is very poor compared to fall turnout. The argument for highly frequent elections on the grounds that they keep government close to the people is not very convincing when applied to an election that has consistently failed for many years to attract a high level of popular participation. The committee as a whole was very much convinced by the arguments and the plan proposed by Delegate Buback, who was a member of this committee and a member of the subcommittee that brought forth this proposal. I will now yield the floor to Mr. Buback.

CHAIRMAN MARTIN: Mr. Buback.

MR. BUBACK: Mr. Chairman and members of the committee, this plan to eliminate spring elections was taken up with Mr. Robert Montgomery, state director of elections; Mr. Bernard Apol, former assistant state director of elections; Mr. Louis Urban, Detroit director of elections; Mr. Stanley Kilpatrick, Grand Rapids city clerk; Mr. Kenneth Lybold, chairman of the Michigan municipal clerks association; Mr. Donald Strong, associated with Doubleday of Kalamazoo who prints ballots for 30 counties; and Mr. Frank Niederstadt, city clerk of Saginaw.

Now, in this proposal to abolish spring elections, we are merely transferring the so called spring offices into the even numbered years. The president will run along with the offices that are now run in the spring election, and in the off presidential election, you have the governor, state senator, congress, United States senator, and county offices run as a group. We feel this will save the local governments, the counties and cities and townships in the neighborhood of $1½ million.

We have absolutely no voter participation in spring elections. I have some statistics here I'd like to read to you. In the spring elections of '57, '59 and '61, in the primary elections, 15 per cent of the vote turned out. In the April election, it was 36 per cent, 45 per cent, 31 per cent, and 22 per cent. Compared to the even year elections, we have 32 per cent in the primaries in '54; 36 per cent in 1956; 26 per cent in 1958; and 34 per cent in 1960 — more than double the amount of people voting in the primary elections. In general elections for these years: in 1954, 65 per cent of the people voting; 82 per cent of the people voting in '56; 64 per cent of the people voting in '58; and 79 per cent of the people voting in 1960.

So, by eliminating the spring election, we would be getting greater participation in the elections, and for several reasons I would certainly urge the adoption of this proposal that we eliminate spring elections and adopt this section.

CHAIRMAN MARTIN: Mr. Leppien.

MR. LEPPIEN: One item that has not been pointed out that I think should be in the record is that for those townships which have primaries, it is necessary for the candidate to file his petition somewhere around January 2 or in that area. This makes it very difficult in large townships, and I submit that that is just another reason, a very valid reason why this election should be eliminated along with all the others that have been enumerated.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I would like to inquire whether the committee gave any consideration to the matter of wisdom in spelling out the day of election as being the Tuesday after the first Monday in November in each even numbered year. Really, that day is the day for the election of members of congress and the day for the election of members of congress is, of course, something controlled by the Constitution of the United States, which in this particular case kind of pulls a joker. Because they said the times, places and manners of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof, but the congress may at any time by law make or alter such regulations, except as to places for choosing senators. What that amounts to is that we will be holding a congressional election in this state at whatever time the congress of the United States prescribes by federal law. And I am wondering, as a matter of constitutional provision, whether the committee had given any thought to simply saying that the elections for national, state, county and township offices shall be held on the day prescribed for the election of members of congress.

MR. POLLOCK: Mr. Chairman, if I may reply to Delegate Hutchinson.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: I think the committee did not give consideration to this because in Michigan, unlike some other states, we never had our state elections, I believe, in modern times at a time other than the date specified by the law of congress. And we were merely accepting this November date as sort of a law of the Medes and the Persians and not daring to interfere with it. But I do think the delegate has an important point.

MR. HUTCHINSON: Mr. Chairman, I do not at this time have an amendment proposed because, although I confess to have thought of this many times during the course of this convention, I didn't get down to the committee to speak to it and it just occurred to me as we came again upon this section. I plead guilty to something I think that Dr. Pollock is sometimes critical of, and that is just reaching for these things more or less off the top of your head without any real preparation for them. But the problem has occurred to me before.

CHAIRMAN MARTIN: The question is on Mr. Leppien's substitute amendment for the Hutchinson amendment. Those in favor will say aye. Those oposed will say no.

The substitute amendment is adopted.

The secretary has an additional amendment.

SECRETARY CHASE: Mr. Jones offers the following amendment:

1. Amend page 3, line 1, after "party.", by inserting "No person shall be deemed eligible to serve on the county board of canvassers unless approved by the county chairmen of the 2 major political parties.".

CHAIRMAN MARTIN: Mr. Jones.

MR. JONES: Mr. Chairman and fellow delegates, since one of the intents of Mr. Hutchinson's amendment was the creation of county boards of canvassers, I feel that this amendment is necessary for 3 reasons: 1, I feel that this amendment which I have proposed would insure that responsible party people would be placed on the county board of supervisors; 2, it would also guarantee so called independence. They cannot masquerade under a mask or guise of Republicans or Democrats to thereby get themselves placed on the county board of supervisors.

CHAIRMAN MARTIN: You mean supervisors, Mr. Jones?

MR. JONES: I mean board of canvassers. Pardon me. Also, that this amendment would prevent officials that select the county board of canvassers from violating the spirit of Mr. Hutchinson's amendment, which I feel calls for a bipartisan board of canvassers. Now, I use this reason from personal experience. In my own county, which is Ingham, in many of our townships within the county, we have difficulty in getting a bipartisan election board established. Some of our township clerks and supervisors will willingly let Republicans come down and register as Democrats to serve on the board of elections, and I certainly don't feel this is proper. This is why I am urging that the county chairmen of the 2 major political parties in the county be the ones to approve the members of the county board of canvassers. Thank you.

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman and ladies and gentlemen, I see some problems with this, particularly in Wayne county, because the so called county committee in Wayne county has no legal status. The organization in Wayne county is by congressional districts. Therefore, under this wording, this really wouldn't mean very much. So I would suggest you either amend it or defeat this amendment.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I'd like to ask Mr. Jones if it is his intent that these 2 county chairmen must concur on each and every appointment. That's the way it seems to read: that the Republican and the Democratic county chairmen both should have to agree, for instance, that Mr. Jones is a Democrat.

CHAIRMAN MARTIN: Mr. Jones.

MR. JONES: Mr. Hutchinson, Mr. Chairman, I would assume that the respective county chairmen would be primarily concerned with their own political party nominees for this post.

MR. POLLOCK: Mr. Chairman.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: I would say that the language doesn't say that, and I think Delegate Hutchinson's point is very well taken. The objection of Delegate Yeager also is well taken. It seems to me only to add the point that county chairmen are the ones to really select boards of county canvassers. I am not aware that this is very badly handled now, and if it is by the boards of supervisors this is a matter that can easily be changed by legislation. I don't see any point in putting this in in addition to what has already been put into the constitution. As for myself, I would be opposed to it. If the other members of the committee have an opinion, I wish they would express it.

CHAIRMAN MARTIN: Mr. Downs.

MR. DOWNS: Mr. Chairman, fellow delegates, I wish to support the principle of the amendment. It might be that style and drafting is another problem: can we find the language? But having participated in several recounts throughout the state, I can say that one of the real concerns of people was to be sure that canvassing boards were in fact bipartisan, and I say this in reference to no political party: that there have been comments made as to how this can best be done.

I believe that the amendment which we just adopted states a principle. The question that does arise from time to time is: how do you know who is a Democrat and who is a Republican? What is the role of the so called independent? I think that if there is some kind of party approval of the person going on the canvassing board, that is about the most practical way to make that party identification.

As I see this language, it does not mean that person would automatically be on, but certainly would need to meet the appropriate qualifications. But this, to my way of thinking, does solve one of the very serious problems. I think Delegate Yeager very properly pointed out that in Wayne county, while we do have chairmen, it's a county with more than one congressional district. I would not object either to that being the congressional district chairman or hope that there will be additional legislation to provide that the county chairmen as now existing in fact be the ones to take the action. I would assume that the county chairmen of the respective parties could jointly submit a panel of names or whatever other mechanism that was provided by law, but it would carry out a true bipartisan concept and it would apply in counties that were predominatly from one party or the other with equal effectiveness.

CHAIRMAN MARTIN: Mr. Stevens.

MR. STEVENS: Mr. Chairman and members of the committee, as a member of both the election committee and the committee on style and drafting, it seems to me this poses a little bit too much of a problem for style and drafting to change this situation. If anything is to be done about it, certainly you ought to correct this one provision whereby both county chairmen would have to approve all members, and even if you correct that, you still have the problem of what to do in a county like Wayne. I don't believe style and drafting would want to take the responsibility of rewriting this, on the basis that it is too substantive in nature.

CHAIRMAN MARTIN: Mr. Yeager.

MR. YEAGER: Mr. Chairman, I would just like to say to Mr. Downs, I'm sorry he wasn't here yesterday because he could have helped us support a closed primary, which would have told you which party was which. (laughter)

CHAIRMAN MARTIN: Mr. Beaman.

MR. BEAMAN: Mr. Chairman and delegates, I personally felt that section h as it came out of the committee was a good one and I'd hate to see anything more added to it which isn't necessary and does not accomplish anything. I therefore would oppose this amendment.

CHAIRMAN MARTIN: The question is on the Jones amendment. Those in favor will say aye. Those opposed will say no.

The amendment is not adopted. Mr. Secretary, do you have additional amendments?

SECRETARY CHASE: There are no more amendments on file, Mr. Chairman.

CHAIRMAN MARTIN: Are there any further amendments to the body of the proposal?

SECRETARY CHASE: None on file.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: I was going to ask that question, whether there were any amendments to the body of the proposal.

CHAIRMAN MARTIN: There being no further amendments to the body of the proposal, it will pass.

Committee Proposal 58, as amended, is passed. We will proceed to the next proposal.

SECRETARY CHASE: Item 1 on the calendar, from the committee on declaration of rights, suffrage and elections, by Mr. Pollock, chairman, **Committee Proposal 45**—

MR. POLLOCK: Mr. Chairman.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Could I ask that we take care of Exclusion Report 2041 first?

telligently upon this question. As of this time, I cannot vote intelligently on Committee Proposal 45 because I do not understand its legal effect. I believe, if I understood correctly—and Mr. Yeager can correct me if I'm wrong—he claims that this proposal does not affect rule 9. As I understand rule 9, it only affects agents, that is, brokers who are licensed by the state of Michigan. It does not affect individual home owners. So as a practical matter and as a legal matter, I do not see how Committee Proposal 45 will affect rule 9 in any way.

I think—and the lawyers here will agree—that when you insert some language, you intend that it has some meaning. And I would like to know what would be the meaning of Committee Proposal 45—if this is the only intention—other than merely being declaratory of the common law. Because if it is only declaratory of the common law, then why do we need it?

CHAIRMAN MARTIN: Mr. Gust.

MR. GUST: Just about everything that I was going to say, Mr. Chairman, has been said, although I'll answer that question, Mr. Binkowski. We need it because the corporation and securities commission saw fit to usurp the common law in this state and make a declaration of a rule which is now in the courts being tested as to its constitutionality.

I just want to add one or two comments on this: I am in favor of the committee proposal. I do not feel, as does Mrs. Hatcher and others who have spoken on this matter, that this has anything to do with civil rights as such or as defined or discussed by her. I feel it has to do with the right of an individual to dispose of his property as he sees fit.

I'd just like, as a lawyer, to make one comment; and this may, Mr. Binkowski, answer part of what you had to say previously. I think you will agree it has been a basic tenet of the Anglo Saxon law from time immemorial that what a man can do directly he can do through an agent whom he will appoint to do it for him and, provided there is no law to the contrary, he can limit the action and the authority of this agent to deal for him and in his behalf. Because of rule 9, this basic right of both the agent and the individual has been taken away, and I am hopeful that this committee proposal will clear the situation up so that we will not have to rely upon the interpretation of future commission rulings or legislative matters in order to define what this convention thought was the proper area of action for constitutional proposals.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Parliamentary inquiry, Mr. Chairman.

CHAIRMAN MARTIN: Yes?

MR. POLLOCK: Have you other speakers?

CHAIRMAN MARTIN: Yes, the Chair has 6 other speakers, Dr. Pollock. Do you wish to move that the committee rise for a short recess?

MR. POLLOCK: I move the committee rise, yes. I make a motion that the committee rise.

CHAIRMAN MARTIN: The question is on Dr. Pollock's motion that the committee rise. All those in favor will say aye. Opposed, no.

The motion prevails. The committee will rise.

[Whereupon, the committee of the whole having risen, President Nisbet resumed the Chair.]

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, the committee of the whole has had under consideration certain matters on which the secretary will give a more detailed report.

SECRETARY CHASE: Mr. President, the committee of the whole has had under consideration **Committee Proposal 58,** A proposal pertaining to the elective franchise; has adopted several amendments thereto, recommends that the proposal as thus amended be accepted.

[Following are the amendments adopted by the committee of the whole:

1. Amend page 1, line 12, after "requirement of" by inserting "no less than".

2. Amend page 1, line 16, after "voting" by striking out "for electors of" and inserting "in the election for".

3. Amend page 2, line 8, after "voting" by changing the period to a colon and inserting "Provided however, That no law shall be enacted which permits a candidate in any partisan primary or election to have a ballot designation except when required for identification of persons who are candidates for the same office and have the same or similar surnames.".

4. Amend page 2, line 11, after "year,", by inserting "or such other date as may hereafter be provided by the constitution of the United States or by congress for election of members thereof,".

5. Amend page 2, line 13, after "Sec. f.", by striking out the balance of the section and inserting "Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money, the issue of bonds or increased millage for a period of more than 5 years, only such persons having the qualifications of electors who have property assessed for ad valorem taxes in any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. In all other questions involving increased millage all persons having the qualifications of electors may vote thereon.".

6. Amend page 2, line 24, after "petition of" by striking out the balance of the section and inserting "electors comparable in number to 25 per cent of the number of electors voting at the preceding election for the office of governor in the electoral district of the officer sought to be recalled. Any statement of reasons or grounds procedurally required shall be deemed to pose a political rather than a judicial question.".

7. Amend page 2, line 28, after "law.", by striking out the balance of the section and inserting "No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers; nor shall a majority of any board of canvassers be composed of adherents of the same political party.".]

PRESIDENT NISBET: **Committee Proposal 58,** as amended by the committee of the whole, is accepted and referred to the committee on style and drafting.

Following is Committee Proposal 58 as amended and referred to the committee on style and drafting:

The committee recommends that the following be included in the constitution:

Sec. a. Every citizen of the United States who has attained the age of 21 years, and has resided in this state 6 months, shall be an elector and qualified to vote in any election, except as otherwise provided in this constitution. The legislature shall by law define residence for voting purposes, and may impose a local residence requirement of no less than 30 days.

Sec. b. The legislature may by law exclude persons from voting because of mental incompetence, or commitment to a jail or penal institution.

Sec. c. For purposes of voting in the election for president and vice president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than 6 months and may waive residence requirements of citizens of this state who have removed therefrom. The legislature may provide the manner of voting by such persons but shall not permit voting by any such person who meets the voting residence requirements of the state to which he has removed.

Sec. d. The legislature shall enact laws to regulate the time, place, and manner of all nominations and elections, except as otherwise provided in this constitution, or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, the secrecy of the ballot, guard against abuses of the elective franchise, and shall provide for a system of voter registration and absentee voting: Provided however, That no law shall be enacted which permits a candidate in any

partisan primary or election to have a ballot designation except when required for identification of persons who are candidates for the same office and have the same or similar surnames.

Sec. e. All elections for national, state, county and township offices shall be held on the Tuesday after the first Monday in November in each even numbered year, or such other date as may hereafter be provided by the constitution of the United States or by congress for election of members thereof, except for special elections to fill vacancies.

Sec. f. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money, the issue of bonds or increased millage for a period of more than 5 years, only such persons having the qualifications of electors who have property assessed for ad valorem taxes in any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. In all other questions involving increased millage all persons having the qualifications of electors may vote thereon.

Sec. g. Laws shall be passed to provide for the recall of all elective officers, except judges of courts of record and courts of like jurisdiction upon petition of electors comparable in number to 25 per cent of the number of electors voting at the preceding election for the office of governor in the electoral district of the officer sought to be recalled. Any statement of reasons or grounds procedurally required shall be deemed to pose a political rather than a judicial question.

Sec. h. A board of state canvassers consisting of 4 members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers; nor shall a majority of any board of canvassers be composed of adherents of the same political party.

SECRETARY CHASE: The committee of the whole has also had under consideration **Exclusion Report 2041,** A report recommending the exclusion of article III, section 1; reports this back favorably and without amendment.

PRESIDENT NISBET: **Exclusion Report 2041,** without amendment of the committee of the whole, is referred to the committee on style and drafting.

For Exclusion Report 2041 as referred to the committee on style and drafting, see above, page 2272.

SECRETARY CHASE: The committee of the whole has also had under consideration **Committee Proposal 45,** is in the process of considering a minority report amendment thereto, has come to no final resolution thereon. This completes the report of the committee of the whole, Mr. President.

PRESIDENT NISBET: The Chair recognizes Dr. Pollock.

MR. POLLOCK: Mr. President, I move that we recess for 10 minutes.

PRESIDENT NISBET: The question is on the motion to recess. Those in favor will say aye. Opposed, no.

We are recessed until 3:55.

[Whereupon, at 3:45 o'clock p.m., the convention recessed; and, at 3:55 o'clock p.m., reconvened.]

The convention will please come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: The Chair recognizes Mr. Martin.

MR. MARTIN: Mr. President, I move that the convention resolve itself into committee of the whole to consider matters on general orders.

PRESIDENT NISBET: The question is on the motion of Mr. Martin. Those in favor will say aye. Those opposed, no.

The motion prevails. Mr. Martin.

[Whereupon, Mr. Martin assumed the Chair to preside as chairman of the **committee of the whole.**]

CHAIRMAN MARTIN: The committee will be in order. At the time we recessed, there were several delegates who had requested recognition on the minority report amendment to **Committee Proposal 45.** At this time, the Chair will recognize Mr. Page.

MR. PAGE: Mr. Chairman, members of the committee, I rise in opposition to the minority report amendment and in support of Committee Proposal 45. It has been said here this afternoon this proposal would breed discrimination; that it would encourage bigotry, that it would set Michigan back 100 years. I can't agree with any of those conclusions. I think that this convention has made marked progress in the area of rights, the progress of which all delegates and the state of Michigan should be justifiably proud.

Committee Proposal 45 provides what Delegate Stevens has accurately characterized as some little protection of another right. It is the right of all property owners—and that includes any minority groups who own property—to convey, grant or devise their property. I don't believe this is setting Michigan back. I think that it is a step forward and it is consistent with the rights action that we have taken in this convention in the past and I again urge a vote against the minority report amendment and for the proposal.

CHAIRMAN MARTIN: Mr. Norris.

MR. NORRIS: Mr. Chairman, I was apprehensive in some of the discussion that the major propositions of the minority report were somewhat obscured and were lost sight of, and I want to underscore here the main thrust of the minority report in the 3 conclusions which we reached regarding it: 1, that it is unnecessary as it does not enlarge or declare any right now amply protected under the due process clause of the federal and the state constitutions; 2, that it creates the risk of harm to existing powers, rights and agencies; and 3, that it doesn't accomplish its purpose as stated in response to some of the colloquy on the questioning of Mr. Stevens.

Now, we have the basic right of alienation of property, of ownership of property, historically, constitutionally, statutorily protected and enforced and reinforced by court decision over 1,000 years. This is the basic right which runs through all of the common law and what we are seeking to do here, in my judgment, is not so much to protect the right as to introduce the risk of harm, both to the right and to its impact upon other powers, duties and agencies. I think the disadvantages of this particular proposition outweigh its advantages and the declaratory intent of assurance which apparently is the main argument given for this proposal, I think, doesn't take into account the fact that the assurance which is given is going to be overcome by rendering precarious fundamental rights in relation to property in innumerable relations, in relation to specific performance, in relation to dower, in relation to contractual rights of a number of kinds, the full import of which we may not immediately foresee.

I respect the protection which is sought as the intent of this particular proposal, protection of the right to own and to alienate property as a natural and fundamental right, and I think that it ranks equally with any other right in the bill of rights and ought to be protected for all and by all. I don't think, however, that the full inspection and examination of the intricacies of this proposal would come to any other conclusion than there is raised a genuine risk of harm, which will undermine the very protection which is sought, namely, all the assurances of the common law to the protection and guarding of private property rights. I respectfully urge again the support of the minority amendment, which is to oppose Committee Proposal 45.

CHAIRMAN MARTIN: Mr. Young.

MR. YOUNG: Mr. Chairman and ladies and gentlemen, I'd like to refer briefly to a remark that Mr. Yeager made in relation to property rights and human rights. Mr. Yeager said, I believe, that there was no question of the equation of property rights with human rights. In fact, he said that property

PRESIDENT NISBET: Without objection, the delegates are excused.

[During the proceedings the following delegates entered the chamber and took their seats: Messrs. Barthwell, Hodges, Faxon, G. E. Brown, Rush, Durst, Binkowski, T. S. Brown, Dell, Liberato, Romney, L. W. Richards, Farnsworth, Pollock, Baginski, Boothby, Perlich, Allen, King, Hutchinson, Jones, Tubbs, Yeager and J. A. Hannah.]

Reports of standing committees.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 81 of that committee, reporting back to the convention **Committee Proposal 79,** A proposal pertaining to a commission on legislative apapportionment;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 79 as reported by the committee on style and drafting, see below under date of April 25.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 82 of that committee, reporting back to the convention **Committee Proposal 80,** A proposal pertaining to the reapportionment of the legislature: (a) the senate; (b) the house of representatives; (c) districting of territories annexed to cities and municipalities;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 80 as reported by the committee on style and drafting, see below under date of April 25.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 83 of that committee, reporting back to the convention **Committee Proposal 58,** A proposal pertaining to the elective franchise;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 58 as reported by the committee on style and drafting, see below under date of April 26.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 84 of that committee, reporting back to the convention **Committee Proposal 99,** A proposal to provide that the legislature may provide for a jury of less than 12 in civil cases;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 99 as reported by the committee on style and drafting, see below under date of April 30.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 85 of that committee, reporting back to the convention **Committee Proposal 100,** A proposal to provide that the legislature shall not authorize lotteries or the sale of lottery tickets;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 100 as reported by the committee on style and drafting, see below under date of April 27.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 86 of that committee, reporting back to the convention **Committee Proposal 101,** A proposal to provide that the state shall not engage in internal improvements except in certain specified areas and except that the legislature may empower local subdivisions to act in the area of internal improvements;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 101 as reported by the committee on style and drafting, see below under date of April 30.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 87 of that committee, reporting back to the convention **Committee Proposal 102,** A proposal to provide that each house of the legislature may choose its officers, determine its rules, judge qualifications of its members and other matters;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 102 as reported by the committee on style and drafting, see below under date of April 30.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 88 of that committee, reporting back to the convention **Committee Proposal 103,** A proposal to provide that sessions of the legislature be open and that a concurrent resolution is necessary for adjournment for more than 3 days;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 103 as reported by the committee on style and drafting, see below under date of April 30.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 89 of that committee, reporting back to the convention **Committee Proposal 104,** A proposal to provide for 3 readings of a bill before passage and for passage of bills by a majority of the members elected;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 104 as reported by the committee on style and drafting, see below under date of April 30.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 90 of that committee, reporting back to the convention **Committee Proposal 105,** A proposal to provide that bills must be printed 5 days prior to passage and for limitation of extraordinary sessions;
with the recommendation that the style and form be approved.
William B. Cudlip, chairman.

For Committee Proposal 105 as reported by the committee on style and drafting, see below under date of April 30.

PRESIDENT NISBET: Referred to the order of second reading of proposals.

SECRETARY CHASE: The committee on style and drafting, by Mr. Cudlip, chairman, submits Report 91 of that committee, reporting back to the convention **Committee Proposal 106,** A proposal to allow the legislature to pass laws regarding indeterminate sentences;

Brake	Hubbs	Rood
Brown, G. E.	Iverson	Rush
Buback	Jones	Sablich
Butler, Mrs.	Judd, Mrs.	Seyferth
Conklin, Mrs.	Karn	Shaffer
Cudlip	Kelsey	Shanahan
Cushman, Mrs.	King	Snyder
Danhof	Kirk, S.	Spitler
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Krolikowski	Sterrett
Donnelly, Miss	Kuhn	Stevens
Doty, Donald	Leibrand	Stopczynski
Douglas	Leppien	Suzore
Downs	Lesinski	Thomson
Durst	Liberato	Turner
Elliott, A. G.	Madar	Tweedie
Elliott, Mrs. Daisy	Mahinske	Upton
Erickson	Marshall	Van Dusen
Everett	Martin	Walker
Farnsworth	McCauley	Wanger
Faxon	McGowan, Miss	White
Figy	McLogan	Wilkowski
Finch	Millard	Woolfenden
Follo	Mosier	Yeager
Ford	Murphy	Young
Gadola	Norris	Youngblood
Goebel		

Nays—0

SECRETARY CHASE: On the adoption of Committee Proposal 26, the yeas are 118; the nays, none.

VICE PRESIDENT HUTCHINSON: **Committee Proposal 26** is passed and referred to the committee on style and drafting.

For Committee Proposal 26 as rereferred to the committee on style and drafting, see above, page 2887.

Mr. Pollock.

MR. POLLOCK: Before considering the next proposal, I would just like to comment that I think we have made history in enacting Committee Proposal 26. I think it is one of the most significant actions of this convention. (applause)

VICE PRESIDENT HUTCHINSON: The secretary will read.

SECRETARY CHASE: **Committee Proposal 58,** A proposal pertaining to the elective franchise. A substitute for article III amending sections 4, 8, 9 and substituting new language for the other sections thereof.

MR. POLLOCK: Mr. President, I move that we dispense with the reading of Committee Proposal 58.

VICE PRESIDENT HUTCHINSON: Without objection, Committee Proposal 58 will be considered read. The Chair hears no objection and it is so ordered.

Following is Committee Proposal 58 as reported by the committee on style and drafting and considered read. (For full text as referred to said committee, see above, page 2282.):

Sec. a. Every citizen of the United States who has attained the age of 21 years, and has resided in this state 6 months, shall be an elector and qualified to vote in any election, except as otherwise provided in this constitution. The legislature shall by law define residence for voting purposes, and may impose a local residence requirement of no less than 30 days.

Sec. b. The legislature may by law exclude persons from voting because of mental incompetence, or commitment to a jail or penal institution.

Sec. c. For purposes of voting in the election for president and vice president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than 6 months and may waive residence requirements of citizens of this state who have removed therefrom. The legislature may provide the manner of voting by such persons but shall not permit voting by any such person who meets the voting residence requirements of the state to which he has removed.

Sec. d. The legislature shall enact laws to regulate the time, place, and manner of all nominations and elections, except as otherwise provided in this constitution[,] or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, TO PRESERVE the secrecy of the ballot, TO guard against abuses of the elective franchise, and TO [shall] provide for a system of voter registration and absentee voting[:]. [Provided however, That] No law shall be enacted which permits a candidate in any partisan primary or PARTISAN election to have a ballot designation except when required for identification of persons who are candidates for the same office and have the same or similar surnames.

Sec. e. EXCEPT FOR SPECIAL ELECTIONS TO FILL VACANCIES all elections for national, state, county and township offices shall be held on the FIRST Tuesday after the first Monday in November in each even numbered year, or ON such other date as may hereafter be provided by the Constitution of the United States or by congress for election of members thereof[, except for special elections to fill vacancies].

Sec. f. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money, the issue of bonds or THE INCREASE OF ANY AD VALOREM TAX RATE [increased millage] for a period of more than 5 years, only [such] persons having the qualifications of electors IN, AND who have property assessed for ANY ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. [In all other questions involving increased millage] All persons having the qualifications of electors may vote ON ALL OTHER QUESTIONS INVOLVING AN INCREASE IN ANY AD VALOREM TAX RATE AND ON BORROWING BY THIS STATE [thereon].

Sec. g. Laws shall be [passed] ENACTED to provide for the recall of all elective officers[,] except judges of courts of record [and courts of like jurisdiction] upon petition of electors [comparable] EQUAL in number to 25 per cent of the number of [electors] PERSONS voting at the LAST preceding election for the office of governor in the electoral district of the officer sought to be recalled. Any statement of reasons or grounds procedurally required shall be deemed to pose a political rather than a judicial question.

Sec. h. A board of state canvassers consisting of 4 members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers[;] . [nor shall] A majority of any board of canvassers SHALL NOT be composed of MEMBERS [adherents] of the same political party.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I understand that on this proposal there are 2 amendments pending. One of these is the 18 year old vote amendment offered by Mr. Faxon, on which you will recall there were some 31 speakers in committee of the whole. The other is the closed primary offered by Mr. Yeager and others. I have spoken with Dr. Pollock, with Miss Hart, with the sponsors of each of these amendments, and in the interest of completing our work on the declaration of rights section within a reasonable period, I would move to limit debate on these amendments to 15 minutes each.

VICE PRESIDENT HUTCHINSON: The motion of Mr. Van Dusen is to limit debate upon each amendment to Committee Proopsal 58 to 15 minutes. Now, the Chair wants to have this clearly understood. Does this include all amendments to any such amendments, Mr. Van Dusen?

MR. VAN DUSEN: Yes, Mr. President.

VICE PRESIDENT HUTCHINSON: This would include

Explanation—Matter within [ ] is stricken, matter in capitals is new.

ence and contacts with different kinds of young people. Now, all of you know that the majority of our people don't vote. A large group do not vote. They are not interested. That would be true of people 18 to 21. I don't think you need worry about their voting wrong if they don't study or know anything about it. What some of us who have worked with young people are so concerned about is that we want to develop leaders and those people, if they are—

VICE PRESIDENT HUTCHINSON: Pardon me, Miss Andrus. The time has expired.

MISS ANDRUS: Thank you.

VICE PRESIDENT HUTCHINSON: The question is upon the Faxon amendment. The Chair recognizes Mr. Faxon for the purpose of demanding the yeas and nays.

MR. FAXON: I call for the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Faxon calls for the yeas and nays upon his amendment. Is the demand supported. The yeas and nays are ordered. The question is upon the Faxon amendment. All those in favor will vote aye. Those opposed will vote no. The voting has commenced. Have you all voted? The secretary will lock the machine and record the vote.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: For what purpose does the gentleman rise?

MR. VAN DUSEN: While the secretary is tabulating the votes—

VICE PRESIDENT HUTCHINSON: The Chair would request that we do not interrupt the voting by statements or announcements.

The roll was called and the delegates voted as follows:

Yeas—31

Allen	Elliott, Mrs. Daisy	Jones
Andrus, Miss	Farnsworth	Kelsey
Barthwell	Faxon	Krolikowski
Binkowski	Follo	Marshall
Bradley	Greene	McLogan
Buback	Hart, Miss	Murphy
Cushman, Mrs.	Hatcher, Mrs.	Norris
DeVries	Heideman	Pollock
Douglas	Hodges	Snyder
Downs	Hood	Young
Durst		

Nays—84

Baginski	Hoxie	Richards, J. B.
Balcer	Hubbs	Rood
Batchelor	Hutchinson	Rush
Beaman	Iverson	Sablich
Blandford	Judd, Mrs.	Seyferth
Bledsoe	Karn	Shaffer
Boothby	Kirk, S.	Shanahan
Brake	Knirk, B.	Sharpe
Brown, G. E.	Koeze, Mrs.	Sleder
Butler, Mrs.	Kuhn	Stafseth
Conklin, Mrs.	Leibrand	Staiger
Cudlip	Leppien	Stamm
Danhof	Lesinski	Sterrett
Dehnke	Liberato	Stevens
Dell	Madar	Stopczynski
Donnelly, Miss	Martin	Suzore
Doty, Dean	McCauley	Thomson
Doty, Donald	McGowan, Miss	Turner
Elliott, A. G.	Millard	Tweedie
Erickson	Mosier	Upton
Everett	Perlich	Van Dusen
Figy	Perras	Walker
Finch	Plank	Wanger
Gadola	Powell	White
Goebel	Prettie	Wilkowski
Gover	Pugsley	Woolfenden
Haskill	Radka	Yeager
Hatch	Rajkovich	Youngblood

SECRETARY CHASE: On the Faxon amendment, the yeas are 31; the nays are 84.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. The Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in conferring with a number of delegates who have asked what our schedule is likely to be, there seems to be some reason to believe that we can complete emerging problems rather quickly. And I'd just like to ask, as I did the other day, for an informal expression of opinion whether you would rather sit here and work, perhaps until 6:30 or 7:00, if necessary, and avoid a night session or whether you'd rather have an evening session. Would you prefer to work through until about 7:00 if that seems to work?

DELEGATES: Yes.

MR. VAN DUSEN: I think that's an adequate expression, Mr. President.

VICE PRESIDENT HUTCHINSON: Thank you. The secretary will read the next amendment.

SECRETARY CHASE: Mr. Yeager, Mrs. Conklin, Mr. Leppien, Mrs. Koeze, Messrs. Stevens and Brake offer the following amendment:

1. Amend page 1, line 22, [section d] after "absentee voting.", by inserting a new paragraph to read as follows:

"All qualified electors voting in any partisan primary election held within the state shall cast their vote by political party on separate ballots after declaring and registering party affiliation under rules and regulations prescribed by the legislature.".

VICE PRESIDENT HUTCHINSON: Mr. Yeager.

MR. YEAGER: Mr. President and ladies and gentlemen of the convention, first may I ask for the yeas and nays on this question?

VICE PRESIDENT HUTCHINSON: Mr. Yeager demands the yeas and nays upon the amendment. Is the demand supported? The demand is supported. Sufficient number up.

MR. YEAGER: Thank you, Mr. President. When this matter was before the committee of the whole, you may recall that the question of adopting a closed primary lost by only 5 votes. Now, the amendment provides that the legislature shall prescribe how this provision will be set up. In other words, this is not legislatively contained in the constitutional provision. The legislature does this job. We had a closed primary in this state until 1937. We now have a closed primary in the states of Ohio, Illinois, California, New York, Massachusetts, New Jersey, plus the 2 newest states of the union, Alaska and Hawaii.

A closed primary means that to vote in a party primary the voter must declare his party. The primary is, after all, a party affair. We do, in effect, have a closed primary of sorts when the parties select their candidates in convention. When we select party candidates by primary election, it is still a party affair. I do not believe that anyone who is unwilling to declare his party should help select the nominees of that party in the primary. In general elections, positively yes; this is a public matter. A primary, no. And another thought on this, that only 20 per cent of the electorate ever participate in a primary anyway. This amendment will strengthen the 2 party system and I believe this is highly desirable. When the 2 party system is strengthened, good government is strengthened.

In the new constitution we have provided for several bipartisan commissions and several bipartisan boards. Registration by party is a great help in the selection of true bipartisan bodies. The question of how to protect bipartisan boards and bipartisanship on these boards and commissions has been brought up on the floor of this convention on several occasions. But this is a practical, logical way to do it. I therefore urge the support of this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Buback.

MR. BUBACK: Mr. President, fellow delegates, I rise to oppose the Yeager amendment for the following reasons: in the first place, it is strictly a legislative matter and should not be in the constitution. There are several arguments in favor of retaining the primary system which Michigan has used for the last generation, whereby voters in a primary election are not obliged to register with one party in advance nor declare party allegiance.

In the first place, the so called open primary favors the

position and the interests of the independent voter. Various studies have shown that some 20 to 25 per cent of the voting population have no clear party allegiance in any final sense whatsoever. In general elections they may split tickets, being as likely to support Republican as Democratic candidates or vice versa. The interests of these people, who constitute so important and critical a voting bloc in a free society, are damaged by a law which confines their primary voting to one party column or the other. For the most part, the so called independent voter prefers to express his convictions in whatever primary election may at the moment be more controversial or critical in terms of the outcome of the subsequent general election, what he regards as the welfare of the state at large. The closed primary cuts these people off from this possiblity.

In the second place, there are large numbers of persons in our society who are embarrassed by the necessity of a formal declaration of party faith. Yet these people are frequently the very ones who ought to be encouraged at all times to participate in the process of government. They include, among others, ministers of the gospel, public employees, college professors, employees of public service corporations and public utilities, and the like. In a somewhat different category, yet affected by the very same problems, are the employees of large businesses who feel that top management has a decided party position and that the requirement of a formal party declaration may be against their job interests in some fashion or other. For people in these various categories, the open primary, by a curious paradox of language, carries within it a guarantee of the right of privacy with respect to the exercise of the franchise. It is a logical extension of the right of privacy which the secret Australian primary ballot first guaranteed in general elections.

Third, the closed primary, in a fundamental sense, rests upon a mistaken notion of the nature of the American party system. It assumes that the differences between Republicans and Democrats are clear, sharp and decisive, and that all Republicans think alike or virtually alike and that all Democrats behave much the same way. Our everyday experience tells us that while there may be, on the average, some important differences between the parties and that in some general elections the differences between candidates of 2 different parties may be very important indeed, the differences within parties, between the liberal and conservative Republican and Democratic positions respectively and the adherents thereto, are far more important than the formal differences between the 2 major parties as such. It is this fact that gives the open primary its great importance. It enables the conservative voter to make his beliefs felt whenever he may feel this to be most important. It enables the liberal voter to do likewise. It enables the voter who is convinced that civil service, or financial economy, or support of the income tax, or opposition thereto, and so on, to make his influence felt where it will do the most good.

Were Americans political parties similar to those in Britain, the voter could best express his beliefs by formal adherence to the party in a strict sense. But granted the vague and informal character of American party structure, the voter of belief can best use the ballot by exercising the right to vote in open primaries. I strongly urge you to defeat the Yeager amendment. As we have done previously in committee of the whole I would ask you and I strongly urge you to defeat this closed primary proposition.

VICE PRESIDENT HUTCHINSON: Miss Andrus.

MISS ANDRUS: Mr. President and members, I would like to speak in reply to what Mr. Buback has just said. I would like to have all of you remember what the purpose of a primary election is. From our earliest history, we met in conventions to nominate candidates for members of the party to vote for. And then around 1900, about the time we drew up our constitution here in Michigan, there was a wave over the country against the smoke filled rooms, of having the members of the party nominate the candidates, so that we could all have participation. It was a very fine idea. But what has happened is that many people who are not members of the party vote in that primary election. And I'd like to give you this illustration: in several states it is entirely legislative, whether you have a party convention or whether you have a primary. In Kentucky it is that way. Some of them go to a convention and nominate their candidates. Members of the other party go to the polls and vote in the primary. In some states, one of the parties has a primary on one day and the other party has it on another day. Now, I have found among my students that most of them don't realize what the real function of a primary election is. They think it is a preelection; that the voters go—of course, it should be private—nobody should know how you vote. It should be a secret ballot. And then they come up with this question: why can't I split my ballot? I would like to vote for the Republican for governor but I'd like to vote for the Democrat for sheriff. And they argue about it. They have no idea what a primary is.

Now, I have been teaching almost since I was old enough to vote. I have never joined a political party in that time. I felt as a teacher I shouldn't. I felt I had no right to vote in a primary. I wasn't a member of a party. But of course people would have said: "Oh, she teaches government and tells people to vote and then she doesn't vote herself." Well, in the days when we had the separate ballot, you could go and you could ask for a Democratic or a Republican, I guess I confused the election officials very much because one time I asked for a Democratic and another time for a Republican. But I really felt in teaching, I should not be an active member of a party and I sincerely believed I should not vote in the primary. You wouldn't think, would you, you Republicans, of having Democrats go to your convention and deciding who your candidates should be? Nor would the Democrats expect Republicans to do it.

Now, most of our cities today have nonpartisan elections. I think that's a fine thing for your local government. But it has been difficult for our party organization and we should, in every way we can, encourage party members to be active.

Now, if you belong to some group, as Mr. Buback spoke of—teachers and others—you don't have to vote in the primary. It isn't necessary. You can vote in the regular election. If we had a convention to nominate, you wouldn't be going to that convention. So don't feel too sorry for yourselves. Let the people who are really interested in the party participate in the primary.

VICE PRESIDENT HUTCHINSON: Mrs. Koeze.

MRS. KOEZE: Mr. President and delegates to the constitutional convention, I've spoken to you before on this subject in committee of the whole. I proudly admit and acknowledge that I am a Republican. I am sure that Miss Hart proudly admits and acknowledges that she is a Democrat. Now, if she and I can do this, why shouldn't everybody else be able to do it?

In running for a delegate to this historic convention, you as delegates had to pick a party. Now, I ask you all as delegates, why did you pick the party that you did? Did you pick the party of your choice because you thought you could win under its label? Or did you honestly pick that party label because you believed in your heart and your conscience that this party came the closest to your conception of your ideals and aims? I think you all picked your party label because you believed in that party philosophy and its platform. There is no one in this delegation that ran as an independent—absolutely not one delegate here in convention ran as an independent. You may have had independent votes. But you yourself couldn't run on the independent ticket.

Now, remember we are only talking about primaries. This does not concern general elections. In the primary—and most all of you have participated in at least one—the people voting for you had a choice of party candidates; not any candidate, but a party candidate. So you were chosen from one or more Republicans or Democrats. No other place but in a primary can you do this. For when you get to a general election, you then vote either for the Republican or Democratic party's choice. For instance, I, as a Republican, think very highly of Democrat candidate Tom Downs. I like his looks. (laughter) I think he is intelligent. I think he is a gentleman. He is my friend. I go to the primary. I vote for him.

Now, then, Tom Downs, elected Democratic candidate, owes me, Ella Koeze, not one iota for that vote because Tom Downs is an acknowledged candidate running on the Democratic party philosophy and platform, which is foreign to my philosophy and platform as a Republican. Candidate Downs owes his allegiance to the Democratic party and not to Ella Koeze because she voted for him. This is plain language. In a primary I have no business as a proud and acknowledged Republican to vote for a Democrat, regardless of anything. And I say this goes for a Democrat voting for a Republican candidate in a primary.

In all my work as a party organizer, I stress to all groups the advantages of picking a party. We have 2 major parties in the United States. We urge in all of our activities that all voters pick a party, support that party with their time, talents and money. We like to have people be responsible to a party. By picking a party that comes closest to their ideals and aims, this makes for party responsibility. People should be proud of their faith, their country and above all, their party. I support this amendment. I see absolutely no reason why either Democrats or Republicans shouldn't support it.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: Mr. President and fellow delegates, this is an extremely difficult position in which to speak. (laughter) I can just say that Mrs. Koeze and Miss Andrus came so close to convincing me that I almost changed what I was going to say. And if everybody in Michigan were as courageous as Mrs. Koeze is, and Miss Andrus, I am sure this would be no problem. But I am a little concerned that some of the weak minded men don't quite have the political courage that the former speaker did; and as Delegate Buback said, there are those situations where people, rightfully or wrongfully, might be afraid to designate their party affiliations. I agree completely with the previous speaker that we should build party responsibility, we should build party loyalty and party participation regardless of party. I think that does strengthen our democratic form of government.

VICE PRESIDENT HUTCHINSON: Mr. Downs, I am sorry. The time has expired. The question is upon the amendment offered by Mr. Yeager and others. The yeas and nays have already been ordered. This is a record roll call vote. All those in favor will vote aye. Those opposed will vote no. The voting has commenced. Have you all voted? The secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—58

Andrus, Miss	Gover	Pugsley
Batchelor	Haskill	Radka
Beaman	Hoxie	Richards, J. B.
Blandford	Hubbs	Rood
Boothby	Hutchinson	Rush
Brake	Iverson	Seyferth
Butler, Mrs.	Judd, Mrs.	Shaffer
Conklin, Mrs.	Karn	Shanahan
Cudlip	Kirk, S.	Sharpe
Danhof	Knirk, B.	Stafseth
Dehnke	Koeze, Mrs.	Staiger
Dell	Leppien	Stamm
Doty, Dean	Martin	Sterrett
Doty, Donald	Millard	Stevens
Erickson	Mosier	Thomson
Everett	Perras	Turner
Farnsworth	Plank	Upton
Figy	Powell	White
Finch	Prettie	Yeager
Goebel		

Nays—58

Allen	Hart, Miss	Murphy
Baginski	Hatch	Norris
Balcer	Hatcher, Mrs.	Perlich
Barthwell	Heideman	Pollock
Binkowski	Hodges	Rajkovich
Bledsoe	Hood	Sablich
Bradley	Howes	Sleder
Brown, G. E.	Jones	Snyder
Buback	Kelsey	Spitler
Cushman, Mrs.	King	Stopczynski
DeVries	Krolikowski	Suzore
Douglas	Kuhn	Tweedie
Downs	Lesinski	Van Dusen
Durst	Liberato	Walker
Elliott, A. G.	Madar	Wanger
Elliott, Mrs. Daisy	Marshall	Wilkowski
Faxon	McCauley	Woolfenden
Follo	McGowan, Miss	Young
Ford	McLogan	Youngblood
Greene		

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Yeager and others, the yeas are 58; the nays are 58.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. The secretary will read the next amendment. Mr. Leppien.

MR. LEPPIEN: A question of parliamentary information, Mr. President: is it possible at tomorrow's session to move for reconsideration of this question?

VICE PRESIDENT HUTCHINSON: Yes, it is possible.

MR. LEPPIEN: Thank you.

SECRETARY CHASE: Mr. Kuhn offers the following amendment:

1. Amend page 1, line 16, [section c] after "removed.", by inserting a new paragraph to read as follows:

"There shall be a presidential primary at the time and in the manner provided for by the legislature, and the delegates to the national conventions of the political parties shall be bound for at least the first convention ballot to cast their votes for that candidate of their party who received the highest vote.".

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Kuhn.

MR. KUHN: Mr. President, members of the convention, I think you all know that the president we have today probably would not be in the white house if it wasn't for presidential primaries. People call them hogwash and they don't mean anything and they laugh about them. But I think that you'll agree with me that the results in Wisconsin and West Virginia put Mr. Kennedy into the white house and secured his nomination.

I always thought the people should have the final say. Personally I was a great supporter of Robert A. Taft. I had the pleasure of working at the Republican convention in Chicago in 1952 and I must say at this time I was one of the most disappointed people in Chicago when our Michigan delegation, in my opinion—and it's a personal opinion—let down Mr. Republican, Robert A. Taft.

I think the people should have the say. I do not want the say of a few people in the convention. I realize we have to have party responsibility and things of that nature. I honestly think that if the people had a chance in Michigan, that Robert A. Taft would have gotten every vote that we had to give at that convention. There is no question in my mind that he could have been elected the president of the United States. Because of the Taft-Hartley law he won his own state of Ohio by over 400,000 votes, the largest margin he ever won by in history.

To me, this puts our government where most people want it: in the hands of the people. I am not speaking here as a politician. I have never really called myself a politician. But I think that the people want the right to be able to vote. Now, I know the argument is going to be made that this is legislative. We've heard it. It's legislative when you don't want it and it's not when you do want it. Now, I also know that they're going to tell me that we had this once and the people decided to do away with it. I know all about that. That is true. But I say this could be put, maybe, in the schedule and let it have another chance because more and more people are taking a greater interest in their government, in their politics. I think that the people should have the choice to decide who they want to represent them and, after all, this would only bind them on the first ballot, but I think it's something that we should remember, that in the last couple of conventions the first ballot was the decisive vote.

VICE PRESIDENT HUTCHINSON: The Chair recognizes Mr. Stevens.

MR. STEVENS: Mr. President and delegates, I will not talk long on this matter. I am sure Mr. Kuhn knows that we had it and what it was like. But I don't think he remembers the actual processes at the time as I do, because he is much younger. We had a preferential primary for presidential nomination in Michigan. It simply did not work because of the nature of the thing. All the state can do is give its preference and if it doesn't have 2 or 3 outstanding candidates to consider, it almost always gives its preference to a native son. The delegates then go to the convention prepared to trade their native son votes for other votes. And that's all it amounts to. The people do not in reality get any chance unless you have a really outright contest between 2 men. Now, probably at the time my very highly esteemed candidate, Mr. Taft, was considered, it might have worked out in that particular year. But that was the experience we had in Michigan. When you don't have that cleancut distinction between 2 national candidates, you get a native son and you just get a little more of something with which to trade.

VICE PRESIDENT HUTCHINSON: Mr. Buback.

MR. BUBACK: Mr. President and fellow delegates, I rise to oppose this for just one practical reason: we just don't have any room on the voting machines for these candidates. Now, we have gone into a 4 year term for these state and county officers. We have put the supreme court justices and all these others—if we get this, we just don't physically have enough room on the voting machine. I have this here for anyone to see. From a practical standpoint, we just can't put it on the voting machine.

VICE PRESIDENT HUTCHINSON: Mr. Martin.

MR. MARTIN: The amendment on the board calling for a presidential primary would involve us in a tremendously expensive operation here in the state of Michigan. I have been through some of these primaries as well as some of the general elections and I know the cost that is involved to everybody concerned, particularly when the result is nothing more than to bind the delegation for an initial vote. The candidate is seldom nominated on an initial vote. The delegates really need to be able to use their best judgment when they get to the convention and it seems to me that this would be highly undesirable because of the great cost to all of us here in the state, in money as well as in time. I think the presidential primary is really a waste of time as well as a waste of money and even if it were held, I would oppose the provision calling for a binding of the delegates on the first convention ballot because that does nothing really, although, as I say, it binds them for an initial vote, which is seldom the final vote in any political convention. For that reason, I certainly hope that you will not vote favorably on this and thereby force a presidential primary on us here in Michigan.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, I also wish to speak against this proposed amendment. It is not good constitution drafting. It's as large as the whole section to which it is attached. It's not good politics. It's certainly not good political science or good election administration.

For the same reason that we defeated the previous amendment on the open and closed primary, we should also defeat this one because this is purely a statutory matter and the sort of subject matter which the legislature should have the discretion to deal with. It does not belong in the constitution. I am opposed to the amendment.

VICE PRESIDENT HUTCHINSON: Miss Hart.

MR. IVERSON: Mr. President, I move the previous question.

VICE PRESIDENT HUTCHINSON: Miss Hart has been recognized.

MISS HART: Thank you, Mr. President. Mr. President, I don't know what national conventions Mr. Stevens has attended. My experience—I've been to 3—my experience has been completely different. I couldn't agree more than I do with Mr. Martin and I would recommend to anyone that has a question on this that they might read The Making of a President, by Theodore White, in which he describes the problem in this primary situation in the states. I'd also like to suggest that we could end up with Garry Moore or some other television personality rather than someone who stands for the positions of parties. And for my part, I should like to leave this in the hands of delegates to the national conventions, whom I have found responsible.

VICE PRESIDENT HUTCHINSON: Mr. Iverson, the Chair would advise that your motion for the previous question would not be in order since a motion to limit debate has been already made and carried and it takes priority. The Chair recognizes Mr. Hodges.

MR. HODGES: Mr. President, first I would want to oppose the amendment, probably not for the same reasons that Miss Hart just advocated because I believe that people inherently will elect qualified people and are probably just as qualified as party people. But I think the main thing we find happening in this country is the growing cost and expense of elections. And as to the point of the primary elections that we just went through in the presidential year, as pointed out in The Making of a President it makes it amply clear that we are closely coming to a point where unless somebody has a tremendous personal fortune to go through, he cannot become a candidate for president. Certainly, after he is nominated by the party, sufficient funds can be raised for that candidate. But when he is on his own and it is his own personal organization, he either has to get some vested interest groups to support that campaign or support it out of a personal fortune. Pretty soon we're going to have just battles of millionaires, which we're closely reaching today, in our search for qualified people for presidency. I think this would be just one more step in this growing trend. Therefore, I oppose this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn.

MR. KUHN: Mr. President, as I said earlier, I don't expect any real partisan politician to support it. Of course, they can throw all the red herrings they'd like; but the fact remains that Mr. Kennedy would not be in the white house today if it weren't for presidential primaries. I demand the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn demands the yeas and nays upon his amendment. Is the demand supported?

SECRETARY CHASE: Fourteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number.

MR. KUHN: Division.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn demands a division. Is the demand supported? Sufficient number up. The question is upon the amendment offered by Mr. Kuhn. All those in favor will vote aye. Those opposed will vote no. This is a division vote. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the Kuhn amendment, the yeas are 8; the nays are 99.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. Are there any further amendments, Mr. Secretary?

SECRETARY CHASE: No.

VICE PRESIDENT HUTCHINSON: The question is upon the passage of Committee Proposal 58. The board will please be cleared. Please clear the board. All those in favor of Committee Proposal 58 will vote aye; those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—110

Allen	Greene	Plank
Baginski	Hart, Miss	Pollock
Balcer	Haskill	Powell
Barthwell	Hatch	Prettie
Batchelor	Hatcher, Mrs.	Pugsley
Beaman	Heideman	Radka
Binkowski	Hodges	Rajkovich

Blandford	Hood	Richards, J. B.
Boothby	Howes	Rood
Bradley	Hoxie	Rush
Brake	Hutchinson	Sablich
Brown, G. E.	Iverson	Seyferth
Buback	Judd, Mrs.	Shaffer
Butler, Mrs.	Karn	Shanahan
Conklin, Mrs.	Kelsey	Sharpe
Cudlip	King	Sleder
Cushman, Mrs.	Kirk, S.	Snyder
Danhof	Knirk, B.	Spitler
Dehnke	Koeze, Mrs.	Stafseth
Dell	Krolikowski	Staiger
DeVries	Kuhn	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Stopczynski
Doty, Donald	Lesinski	Suzore
Douglas	Liberato	Thomson
Downs	Madar	Turner
Durst	Marshall	Tweedie
Elliott, A. G.	Martin	Upton
Elliott, Mrs. Daisy	McCauley	Van Dusen
Erickson	McGowan, Miss	Walker
Everett	McLogan	Wanger
Farnsworth	Millard	White
Faxon	Mosier	Wilkowski
Figy	Murphy	Woolfenden
Follo	Norris	Yeager
Ford	Perlich	Youngblood
Gover	Perras	

Nays—3

Finch	Hubbs	Jones

SECRETARY CHASE: On the passage of Committee Proposal 58, as amended, the yeas are 110; the nays are 3.

VICE PRESIDENT HUTCHINSON: **Committee Proposal 58,** as amended, is passed.

Following is explanation of vote submitted by Mr. Finch:

I voted no on Committee Proposal 58 because I object to a portion of section f. I believe that only property owners or their spouses should have the right to vote on proposals which will increase millage or on bond issues which will raise property taxes.

Following is explanation of vote submitted by Mr. Hubbs:

Explanation of my no vote on Committee Proposal 58.

I feel that the proposal is not the best provision that could be presented in the proposed constitution, because the amendment to provide for a closed primary election was lost by a tie vote with only 116 delegates voting.

VICE PRESIDENT HUTCHINSON (continuing): It is referred to the committee on style and drafting.

Following is Committee Proposal 58 as amended and rereferred to the committee on style and drafting:

Sec. a. Every citizen of the United States who has attained the age of 21 years, who has resided in this state 6 months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. b. The legislature may by law exclude persons from voting because of mental incompetence, or commitment to a jail or penal institution.

Sec. c. For purposes of voting in the election for president and vice president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than 6 months and may waive residence requirements of citizens of this state who have removed therefrom. The legislature may provide the manner of voting by such persons but shall not permit voting by any such person who meets the voting residence requirements of the state to which he has removed.

Sec. d. The legislature shall enact laws to regulate the time, place, and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of persons who are candidates for the same office and have the same or similar surnames.

Sec. e. Except for special elections to fill vacancies all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even numbered year, or on such other date as may hereafter be provided by the Constitution of the United States or by congress for election of members thereof.

Sec. f. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money, the issue of bonds or the increase of any ad valorem tax rate for a period of more than 5 years, only persons having the qualifications of electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. All persons having the qualifications of electors may vote on all other questions involving an increase in any ad valorem tax rate and on borrowing by this state.

Sec. g. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 per cent of the number of persons voting at the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. Any statement of reasons or grounds procedurally required shall be deemed to pose a political rather than a judicial question.

Sec. h. A board of state canvassers consisting of 4 members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

VICE PRESIDENT HUTCHINSON (continuing): The Chair recognizes Mr. Pollock.

MR. POLLOCK: Mr. President, this completes the proposals presented by the committee on declaration of rights, suffrage and elections and I want to thank the members of the convention for their cooperation and for their very thorough consideration. And now may I make another motion, Mr. President?

VICE PRESIDENT HUTCHINSON: You may proceed.

MR. POLLOCK: I should like to move at this time a reconsideration of the vote by which **Committee Proposal 22** and amendments were passed yesterday and ask that the vote on this be postponed until tomorrow morning because this is a rather small house.

For the vote on the passage of Committee Proposal 22, see above, page 2794.

VICE PRESIDENT HUTCHINSON: Mr. Pollock moves that the vote by which Committee Proposal 22, relating to civil service, that was passed on yesterday, be reconsidered. Mr. Pollock moves that further consideration of this motion be postponed until tomorrow. The question is upon the motion to postpone. All those in favor will say aye. Did you desire recognition, Mr. Leibrand?

MR. LEIBRAND: Maybe I'm a little slow on the trigger here but, if it's in order, I'd like to move that Mr. Pollock's motion also be laid on the table until tomorrow. I think the

VICE PRESIDENT HUTCHINSON: Not a sufficient number up.

The Chair declares that the amendment is adopted. The question now is upon the adoption of the proposal, as amended. All those in favor will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the vote.

MRS. HATCHER: Mr. President, I would like to know how Kay Cushman is voting.

VICE PRESIDENT HUTCHINSON: Does Mrs. Cushman wish to vote?

MRS. CUSHMAN: I did not vote on this because I did not feel I had competent legal advice on what this thing meant.

The roll was called and the delegates voted as follows:

Yeas—116

Allen	Gust	Powell
Andrus, Miss	Habermehl	Prettie
Austin	Hannah, J. A.	Pugsley
Baginski	Hart, Miss	Radka
Balcer	Hatch	Rajkovich
Barthwell	Hatcher, Mrs.	Richards, J. B.
Batchelor	Heideman	Richards, L. W.
Beaman	Higgs	Rood
Bentley	Hood	Rush
Blandford	Hoxie	Sablich
Bonisteel	Hubbs	Seyferth
Bradley	Iverson	Shaffer
Brake	Jones	Shanahan
Buback	Kelsey	Sharpe
Butler, Mrs.	King	Sleder
Conklin, Mrs.	Kirk, S.	Snyder
Cudlip	Knirk, B.	Spitler
Danhof	Koeze, Mrs.	Stafseth
Dehnke	Krolikowski	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Donald	Leppien	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Thomson
Durst	Marshall	Turner
Elliott, A. G.	Martin	Tweedie
Elliott, Mrs. Daisy	McCauley	Upton
Erickson	McGowan, Miss	Van Dusen
Everett	McLogan	Walker
Farnsworth	Millard	Wanger
Faxon	Mosier	White
Figy	Murphy	Wilkowski
Finch	Norris	Wood
Ford	Ostrow	Woolfenden
Gadola	Perlich	Yeager
Goebel	Perras	Young
Gover	Plank	Youngblood
Greene	Pollock	

Nays—3

Follo	Judd, Mrs.	Karn

SECRETARY CHASE: On the passage of Committee Proposal 26, as amended, the yeas are 116; the nays are 3.

VICE PRESIDENT HUTCHINSON: The majority of the delegates elect having voted therefor, **Committee Proposal 26, as amended, is passed and is referred to the committee on style and drafting.**

Following is Committee Proposal 26 as amended and rereferred to the committee on style and drafting:

Sec. a. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of race, religion, sex or national origin. The legislature shall implement this section by appropriate legislation. This shall not be construed to prevent reasonable classification for the protection of women.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Yeager.

MR. YEAGER: Mr. President, I would, at this time, like to move for reconsideration of the vote by which the convention took action on **Committee Proposal 58.** I would next move, after that, to reconsider the closed primary amendment.

For the vote on the passage of Committee Proposal 58, see above, page 2898.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Yeager to reconsider the vote by which Committee Proposal 58 was passed on yesterday.

MR. YEAGER: Mr. President, I request a division.

VICE PRESIDENT HUTCHINSON: Upon which motion Mr. Yeager demands a division. Is the demand for division supported? The demand is supported, 10 or more delegates having voted therefor. The question is upon the motion to reconsider the vote by which Committee Proposal 58 was passed on yesterday. All those in favor — Mr. Barthwell.

MR. BARTHWELL: I would like the machine to be cleared, please.

VICE PRESIDENT HUTCHINSON: Will the machine please be cleared. Mr. Downs.

MR. DOWNS: Mr. President, I just wish to speak against the reconsideration of the vote on this proposal. I think we gave it sufficient time and have made up our minds. I see no reason to reopen it.

MRS. CONKLIN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mrs. Conklin.

MRS. CONKLIN: I would like to support the motion to reconsider. I think any time anything is lost by a tie vote, it should be reconsidered.

VICE PRESIDENT HUTCHINSON: Mr. Madar.

MR. MADAR: Mr. President, it seems as if we have had our ears pounded a lot today, and we haven't accomplished anything. At this time, I would like to move the previous question, and if the previous question passes, I also would like to ask the previous question on the proposal, and I would like to ask for the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Madar demands the previous question at this time upon the motion to reconsider. Is the demand for the previous question supported? It is supported. The question now is: shall the main question be put? All those in favor will say aye. Opposed, no.

The previous question is ordered. The question is upon the motion of Mr. Yeager to reconsider the vote by which Committee Proposal 58 was passed on yesterday. A division has been ordered. All those in favor will vote aye. Those opposed will vote no.

MR. MADAR: Mr. President, I asked for the yeas and nays on the proposal.

VICE PRESIDENT HUTCHINSON: On the proposal or on the motion to reconsider?

MR. MADAR: No, on the proposal.

VICE PRESIDENT HUTCHINSON: Well, this is not it.

MR. MADAR: Okay.

MR. YEAGER: Mr. President, I would like to ask a question. Is a motion for yeas and nays debatable?

VICE PRESIDENT HUTCHINSON: The motion for the yeas and nays has not been made.

MR. BUBACK: I move the yeas and nays.

VICE PRESIDENT HUTCHINSON: On what? What do you make a motion on the yeas and nays for?

MR. BUBACK: On the motion for reconsideration.

VICE PRESIDENT HUTCHINSON: The yeas and nays on reconsideration have been requested. Is the demand supported?

MR. YEAGER: Is this debatable, Mr. President?

VICE PRESIDENT HUTCHINSON: The motion is not debatable. For what purpose does the gentleman rise?

MR. DEHNKE: To make a parliamentary inquiry. May we ask what particular part of the proposal Mr. Yeager desires to have reconsidered?

VICE PRESIDENT HUTCHINSON: He made the statement, that he proposes — if this motion carries, the Chair understands Mr. Yeager then proposes to move the reconsideration of the vote by which his closed primary amendment failed to pass on yesterday. Have you all voted? The yeas and nays have been

ordered. This is a record roll call vote on the motion to reconsider the vote by which Committee Proposal 58 was passed on yesterday. All those in favor will vote aye. Those opposed will vote no. The voting has commenced. Have you all voted? If so, the secretary will lock the machine and record the vote.

MR. YEAGER: Mr. President, could I ask for the vote of the Chair, please?

VICE PRESIDENT HUTCHINSON: The Chair votes aye.

The roll was called and the delegates voted as follows:

Yeas—58

Andrus, Miss	Goebel	Perras
Batchelor	Gover	Plank
Beaman	Gust	Powell
Bentley	Habermehl	Pugsley
Blandford	Hoxie	Radka
Bonisteel	Hubbs	Richards, J. B.
Brake	Hutchinson	Rood
Brown, G. E.	Iverson	Rush
Conklin, Mrs.	Karn	Seyferth
Danhof	King	Shaffer
Dehnke	Kirk, S.	Shanahan
DeVries	Knirk, B.	Sharpe
Donnelly, Miss	Koeze, Mrs.	Sterrett
Doty, Dean	Kuhn	Stevens
Doty, Donald	Lawrence	Thomson
Erickson	Leibrand	Turner
Everett	Leppien	Upton
Farnsworth	Millard	White
Figy	Mosier	Yeager
Finch		

Nays—68

Allen	Hart, Miss	Perlich
Austin	Hatch	Pollock
Baginski	Hatcher, Mrs.	Prettie
Balcer	Heideman	Rajkovich
Barthwell	Higgs	Richards, L. W.
Binkowski	Hodges	Sablich
Bradley	Hood	Sleder
Buback	Howes	Snyder
Butler, Mrs.	Jones	Spitler
Cudlip	Judd, Mrs.	Staiger
Cushman, Mrs.	Kelsey	Stamm
Dell	Krolikowski	Stopczynski
Douglas	Lesinski	Suzore
Downs	Liberato	Tweedie
Durst	Madar	Van Dusen
Elliott, A. G.	Mahinske	Walker
Elliott, Mrs. Daisy	Marshall	Wanger
Faxon	Martin	Wilkowski
Follo	McCauley	Wood
Ford	McGowan, Miss	Woolfenden
Gadola	McLogan	Young
Greene	Murphy	Youngblood
Hannah, J. A.	Ostrow	

SECRETARY CHASE: On the motion to reconsider the vote by which Committee Proposal 58 passed on yesterday, the yeas are 58; the nays are 68.

VICE PRESIDENT HUTCHINSON: The motion to reconsider does not prevail.

MR. BENTLEY: Mr. President, a parliamentary inquiry.

VICE PRESIDENT HUTCHINSON: Mr. Bentley.

MR. BENTLEY: Mr. President, we had a tie vote on this matter last night, and we have had one tie vote already this morning, and I think there is something that should be cleared up. I understood the Chair to rule a few moments ago that according to our rules, the Chair votes as one of the delegates. There is, on page 358 of Mason's Manual, I believe it is section 514, paragraph 4, a ruling to the effect that where the presiding officer votes as one of the delegates, in the event of a tie vote, the presiding officer is thereby entitled to a second vote to break the tie, and I would ask for a parliamentary ruling that this prevails.

MR. BUBACK: That wasn't the situation with this last vote; with the Chair's vote, it was a tie.

VICE PRESIDENT HUTCHINSON: Mr. Bentley, the people of my district sent me here and they are entitled only to my vote. I don't think I am entitled to vote twice, even though Mr. Mason says I might. (applause)

MRS. CONKLIN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mrs. Conklin.

MRS. CONKLIN: May I ask on rule 67 where you said before that you were not voting, that you were voting as a delegate; it says in rule 67, that no delegate shall be entitled to abstain from voting unless he shall have stated his intention to abstain before the voting starts.

VICE PRESIDENT HUTCHINSON: The Chair would like to observe that the rule of this convention with regard to voting or not — the present presiding officer was a member of the committee on organization, and when this thing was originally presented it seemed as though it was a kind of anomalous thing — this chairman has previously pointed out that the rule does not say that you can demand a vote. On the other hand, the rules say that no delegate shall be entitled to abstain from voting unless he shall announce prior to the time that the vote is taken that he intends to abstain. As a practical matter, the delegate in the Chair, admittedly, sometimes misses votes. There are a lot of other things here to keep track of, you know — who is supposed to speak next, and so on — and on a record roll call vote, your present chairman is always willing to vote if his vote is requested. But, the rules of this convention are kind of a peculiar thing. On one hand, they don't say that you can demand a vote, and on the other hand, they say no delegate shall abstain from voting; so, in the end it is a kind of a voluntary thing with the delegate. Now, Mr. Chase has some further precedent on this matter, which the Chair will ask him to read.

SECRETARY CHASE: This case arose in the instance of John Quincy Adams, as a member of the house of representatives (laughter) and I think the delegates will agree that he was no mean attorney. This is quoted from Hinds Precedents, volume V, section 5943.

> Attempts to require members to vote.
>
> The house does not have power to compel a member to vote. A member declined to vote in 1832, and the house found itself powerless to compel a vote in this as in later instances.
>
> On July 11, 1832, the house was considering a resolution relating to words spoken in debate by Mr. William Stanbery of Ohio, and the yeas and nays were being called on the question of agreeing to the resolution. When the name of Mr. John Quincy Adams of Massachusetts was called, Mr. Adams rose and asked to be excused from voting (under the present practice of the house a roll call may not be interrupted in this way), assigning his reasons in a paper which the clerk read as follows:
>
> > I ask to be excused from voting (the motion that a member be excused from voting now has no privilege) on the resolution, believing it to be unconstitutional, inasmuch as it assumes inferences of fact from words spoken by the member, without giving the words themselves; and the facts not being warranted, in my judgment, by the words which he did use.
>
> The question being taken, "Shall Mr. Adams be excused?" it was decided in the negative.
>
> Mr. Adams' name was again called, when he responded: "I decline to answer."
>
> A motion to reconsider the vote whereby the house had declined to excuse Mr. Adams being decided in the negative, the speaker read the rule of the house requiring every member to vote, and directed the clerk to call Mr. Adams' name again.
>
> The clerk again called the name, but no response was made by Mr. Adams, who was in his seat in the house.
>
> Thereupon Mr. William Drayton of South Carolina, moved the following resolutions:
>
> > Resolved, That John Quincy Adams, a member from Massachusetts, in refusing to vote when his name was called by the clerk, after the house had rejected his application to be excused from voting, for reasons assigned by him, has committed a breach of one of the rules of the house.
> >
> > Resolved, That a committee be appointed for the purpose of inquiring and reporting to this house the course

PREAMBLE
I. DECLARATION OF RIGHTS
II. ELECTIONS
III. GENERAL GOVERNMENT
IV. LEGISLATIVE BRANCH
V. EXECUTIVE BRANCH
VI. JUDICIAL BRANCH
VII. LOCAL GOVERNMENT
VIII. EDUCATION
IX. FINANCE AND TAXATION
X. PROPERTY
XI. PUBLIC OFFICERS AND EMPLOYMENT
XII. AMENDMENT AND REVISION
SCHEDULE AND TEMPORARY PROVISIONS

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I
DECLARATION OF RIGHTS

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Article I
Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of race, COLOR, religion, sex or national origin. The legislature shall implement this section by appropriate legislation. This SECTION shall not be construed to [prevent] PROHIBIT reasonable [classification] LEGISLATION for the protection of women.

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

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

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

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall

Explanation—Matter within [ ] is stricken, matter in capitals is new.

ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be ENACTED [passed].

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding[,] any narcotic drug, [any] firearm, bomb, explosive[,] or any other dangerous weapon, seized by A [any] peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. [Any] A suitor in any court of this state [shall have] HAS the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be [deemed to be] waived in all civil cases unless demanded by one of the parties in THE [such] manner [as shall be] prescribed by law. In all civil [actions in circuit courts] CASES TRIED BY 12 JURORS a verdict shall be received when 10 jurors [shall] agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

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. 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.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of[,] or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of [2] TWO witnesses to the same overt act[,] or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II
ELECTIONS

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Article II
Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state [6] SIX months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence[,] or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than [6] SIX months and may waive residence requirements [of] FOR FORMER citizens of this state who have

removed [t]herefrom. The legislature [may provide the manner of voting by such persons but] shall not permit voting by any [such] person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place [,] and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of [persons who are] candidates for the same office WHO [and] have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, OR AS OTHERWISE PROVIDED IN THIS CONSTITUTION, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year[,] or on such other date as MEMBERS OF THE CONGRESS OF THE UNITED STATES ARE REGULARLY ELECTED [may hereafter be provided by the Constitution of the United States or by congress for election of members thereof].

Sec. 6. Whenever any question is REQUIRED TO BE submitted BY A POLITICAL SUBDIVISION to [a vote of] the electors which involves THE INCREASE OF ANY AD VALOREM TAX RATE LIMITATION FOR A PERIOD OF MORE THAN FIVE YEARS, the direct expenditure of public money, OR the issue of bonds, [or the increase of any ad valorem tax rate for a period of more than 5 years,] only [persons having the qualifications of] electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. All ELECTORS IN THE DISTRICT OR TERRITORY AFFECTED [persons having the qualifications of electors] may vote on all other questions. [involving an increase in any ad valorem tax rate and on borrowing by this state.]

Sec. 7. A board of state canvassers [consisting] of [4] FOUR members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting [at] IN the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. THE SUFFICIENCY OF any statement of reasons or grounds procedurally required shall be [deemed to pose] a political rather than a judicial question.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds AND MUST BE INVOKED IN THE MANNER PRESCRIBED BY LAW WITHIN 90 DAYS FOLLOWING THE FINAL ADJOURNMENT OF THE LEGISLATIVE SESSION AT WHICH THE LAW WAS ENACTED. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than [8] EIGHT percent for initiative and [5] FIVE percent for referendum of the total vote cast for all candidates for governor at the last preceding general election AT WHICH A GOVERNOR WAS ELECTED shall be required.

NO LAW AS TO WHICH THE POWER OF REFERENDUM PROPERLY HAS BEEN INVOKED SHALL BE EFFECTIVE THEREAFTER UNLESS APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON AT THE NEXT GENERAL ELECTION.

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

If the law so [petitioned for] 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 [ensuing] 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 [ensuing] general election.

Any [act] LAW submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No [act] LAW

Explanation—Matter within [ ] is stricken, matter in capitals is new.

initiated or adopted by the people shall be subject to the veto power of the governor, and no [act] LAW adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or [3/4] THREE-FOURTHS of the members elected to and serving in each house of the legislature. [Acts] LAWS adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If [2] TWO or more measures approved by the electors at the same election conflict, THAT [the measure] receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section.

ARTICLE III
GENERAL GOVERNMENT

Sec.		Com. Proposal
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Article III
General Government

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

Sec. 2. The powers of government are divided into [3] THREE branches: legislative, executive[,] and judicial. No person [belonging to] EXERCISING POWERS OF one branch shall exercise powers properly belonging to another branch[,] except [in] AS [cases] expressly provided in this constitution.

Sec. 3. There shall be a great seal of the State of Michigan and its use shall be [prescribed] PROVIDED by law.

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

Sec. 5. Subject to provisions of general law, this state or any political subdivision, ANY GOVERNMENTAL AUTHORITY or any combination thereof may enter into agreements[,] for the performance, financing or execution of their respective [governmental] functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution.

Any other provision of this constitution [to the contrary] notwithstanding, an officer or employee of the state or OF any [municipal corporation or other subdivision or agency] SUCH UNIT OF GOVERNMENT OR SUBDIVISION OR AGENCY thereof may serve on or with any governmental body ESTABLISHED FOR THE PURPOSES SET FORTH IN THIS SECTION [as a representative of the state or any municipal corporation or other subdivision or agency thereof, or for the purpose of participating or assisting in the consideration or performance of joint or cooperative undertakings or for the study of governmental problems,] and shall not be required to relinquish his office or employment by reason of such service. The legislature [by statute] may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

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

Sec. 7. [All law not repugnant to this constitution,] THE COMMON LAW AND THE STATUTE LAWS NOW IN FORCE, NOT REPUGNANT TO THIS CONSTITUTION, shall remain in force until [changed, repealed or in the case of statutes they have expired because of limitations contained therein] THEY EXPIRE BY THEIR OWN LIMITATIONS, OR ARE CHANGED, AMENDED OR REPEALED.

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

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LEGISLATIVE BRANCH

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Article IV
Legislative Branch

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

Sec. 2. The senate shall consist of 38 members[,] to be elected from single member districts at the same [time] ELECTION as the governor for [4] 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 an apportionment factor 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 [1/100] ONE-ONE HUNDREDTH of one percent multiplied by [4] FOUR and its percentage of the state's land area computed to the nearest [1/100] 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 [are] 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 [shall be] IS a failure to comply with the above standards.

(3) Counties entitled to [2] TWO or more senate districts shall be [further sub]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.

Sec. 3. The house of representatives shall consist of 110 members elected for [2] TWO-year terms from single member districts apportioned on a basis of population as [hereinafter] 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 [7/10] SEVEN-TENTHS of one percent of the population of the state shall constitute a separate representative area. Each county having less than [7/10] 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 [7/10] SEVEN-

Explanation—Matter within [ ] is stricken, matter in capitals is new.

TENTHS of one percent of the population of the state. Any county which is isolated under the initial allocation as [herein] 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 [2] TWO or more representatives shall be divided into single member representative districts as follows:

(1) The population of [each] 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.

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 upon the effective date of the annexation or merger[,]. THE DISTRICTS WITH WHICH THE TERRITORY SHALL BE COMBINED SHALL BE [as] determined by ordinance of the city certified to the secretary of state.

[No legislator shall be deemed to have vacated his office by virtue of the above section.] 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.

Sec. 5. ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY OF WHICH THEY ARE A PART.

Sec. 6. A commission on legislative apportionment is hereby established consisting of [8] EIGHT persons, [4] FOUR of whom shall be selected by the state organizations of each of the [2] 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, [4] FOUR of whom shall be selected by the state organization of the third political party. One member of the commission shall be selected by each political party organization from each of the following [4] FOUR regions: (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 [2] TWO years after the apportionment [plan] in which they participated becomes effective.

The commission shall be appointed immediately after the adoption of this constitution and whenever [Re]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 [necessary] 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[, and district,] the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of [all 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 [qualified] 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 apportionment commission to perform their duties, may review any final plan adopted by the commission, and shall make orders amending such plan if it fails to comply with the requirements of this constitution.

Sec. 7. Each senator and representative MUST [shall] be a citizen of the United States, at least 21 years of age, and AN [a qualified] elector of the district he represents[,] . [and] The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office under the United States or this state or a political subdivision thereof, except notaries public and officers of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected TO [a member of] the legislature shall receive any civil appointment within this state from the governor, except notaries public, [from the governor and senate,] from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for [5] FIVE days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Sec. 12. The annual salary of the members of the legislature shall be not less than $9,000[.], AS PROVIDED BY LAW. Members of the legislature shall be entitled to REIMBURSEMENT FOR [2] TWO round trips home EACH [per] month while the legislature is in session, and expenses in connection with the work of interim committees. [No] ChangeS in salary or expenses shall beCOME effective [during the term of office for which the legislature making the change was elected] ONLY WHEN LEGISLATORS COMMENCE THEIR TERM OF OFFICE AFTER A GENERAL ELECTION except and only to the extent of a general salary reduction in all other branches of STATE government.

No person serving in the legislature shall receive at any time for his services as a member of the legislature any additional fees, compensation or financial benefits from the state or its political subdivisions. This section shall not be construed to [deny] AFFECT retirement benefits [to those] OF legislators [eligible to receive] WHICH HAVE [these benefits at] ACCRUED PRIOR TO the [time] EFFECTIVE DATE OF this constitution [becomes effective].

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at [12:00] TWELVE o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at TWELVE [12:00] o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over WITH THE SAME STATUS to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

Sec. 15. There shall be a bi-partisan legislative council consisting of legislators appointed in the manner prescribed by law. The legislature shall appropriate [adequate] 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 [from time to time] examine and recommend to the legislature revision of the various laws of the state.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee

Explanation—Matter within [ ] is stricken, matter in capitals is new.

from the further consideration of any measure. Each house shall BE THE SOLE judge of the qualifications, elections and returns of its members, and may, with the concurrence of TWO-THIRDS [2/3] of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered IN [upon] the journal, with the [yeas and nays] VOTES AND NAMES of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall [keep a recorded] BY roll call vote RECORD THE VOTE AND NAME [by yeas and nays] of all action on bills and resolutions taken in the committee. Such vote shall be available FOR [to] public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless security otherwise requires. The [yeas and nays] RECORD OF THE VOTE AND NAME of the members of either house VOTING on any question shall be entered in the journal at the request of [1/5] 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.

Sec. 19. All elections in either house or in joint convention and all votes on appointments [recommended to the senate for confirmation] SUBMITTED TO THE SENATE FOR ADVICE AND CONSENT shall be [taken by yeas and nays and] published BY VOTE AND NAME in the journal.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than [3] TWO INTERVENING CALENDAR days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation [by the legislature] shall be by bill and may originate in either house.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least [5] FIVE days. Every bill shall be read THREE [3] times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of [all] the members elected to and serving in each house. On the final passage of [all] bills, the voteS AND NAMES OF THE MEMBERS VOTING THEREON shall be [by yeas and nays and] entered in the journal.

Sec. 27. No act shall take effect [or be in force] until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by TWO-THIRDS [2/3] of the members elected to and serving in each house [of the legislature] and by a majority of the electors voting thereon in the district [to be] affected. Any act repealing local or special acts [in effect as of the effective date of this constitution] shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of TWO-THIRDS [2/3] of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

eral appropriation bills as passed.

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If TWO-THIRDS [2/3] of the members elected TO and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by TWO-THIRDS [2/3] of the members elected TO and serving in that house. The vote of each house shall be [determined by the yeas and nays, and the names of the members voting for and against the bill shall be] entered in the journal WITH THE VOTES AND NAMES OF THE MEMBERS VOTING THEREON. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Sec. 34. Any bill passed by the legislature and approved by the governor, except A BILL appropriatING MONEY [ion bills], may [be referred by the legislature to the qualified electors. No bill so referred shall] PROVIDE THAT IT WILL NOT become [a] law unless approved by a majority of the electors voting thereon.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The [speedy] PROMPT publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall [hereafter] be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting [in the interim] between sessions to suspend until the end of the next regular legislative session any rule or regulation [promulgated by] OF an administrative agency PROMULGATED when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be [deemed] vacant and the manner of filling vacancies[,] where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state CAUSED by enemy attack on the United States, the legislature MAY [shall have the power to such extent as it deems advisable (1) to] provide by [legislative enactment] LAW for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices[,]; and ENACT [(2) to adopt by legislative enactment such] other [legislation] LAWS [as may be] necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any [elective] vacancies in [any] ELECTIVE officeS temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission[,] which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. [and] THE LEGISLATURE may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house [of the legislature].

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as [a] punishment for crime and for the detention and release of per-

Explanation—Matter within [ ] is stricken, matter in capitals is new.

sons imprisoned or detained [on] UNDER such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of DETENTION OR confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes [in] CONCERNING public [employment] EMPLOYEES, except THOSE IN THE state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

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.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety[,] and general welfare of the people. The legislature shall provide for the protection of the air, water[,] and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be [an administrator and] a certified public accountant [duly] licensed to practice in this state, to serve for a term of [8] EIGHT years. He shall be ineligible for appointment or election to any other [paid] public office in this state FROM WHICH COMPENSATION IS DERIVED while serving as auditor general and for [2] TWO years following the termination of his service. He may be removed for cause at any time by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house [of the legislature]. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those [herein] specified IN THIS SECTION.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the [universities and colleges] INSTITUTIONS OF HIGHER EDUCATION to be solely responsible for the control and direction of all expenditures from the institutions' funds.

[The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.]

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V

EXECUTIVE BRANCH

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Article V
Executive Branch

Sec. 1. The executive power is vested in the governor.

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.

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 session if of shorter duration, to disapprove [these] EACH executive order[s]. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, [these] EACH order[s] shall become effective at a date thereafter to be designated by the governor.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive [other than an elective official,] is the head of a principal department, UNLESS ELECTED OR APPOINTED AS OTHERWISE PROVIDED IN THIS CONSTITUTION, he shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor] and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, [the members thereof,] unless elected or appointed as otherwise provided in this constitution, THE MEMBERS THEREOF shall be [nominated and,] APPOINTED BY THE GOVERNOR by and with the advice and consent of the senate[, appointed by the governor]. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after [adoption] THE EFFECTIVE DATE of this constitution shall not exceed [4] FOUR years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions[,] which are [greater] LONGER than [4] FOUR years shall not be further extended except as provided in this constitution.

Sec. 4. At no time shall an examining or licensing board of a profession INCLUDE [be composed of] less than a majority of members of that profession. Temporary commissions or agencies for special purposes with a life of no more than [2] TWO years may be established by law and need not be allocated within a principal department.

Sec. 5. Appointment by and with the advice and consent of the senate when used in this constitution or [in statutes] LAWS in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 [legislative] SESSION days after the date of such appointment. [If the] ANY appointment [is] not disapproved within such period [of time the appointment] shall stand confirmed.

Sec. 6. [When the senate is not in session, the governor shall fill a vacancy] VACANCIES in any office, appointment to which requires advice and consent of the senate, [by appointment which may be disapproved by the senate in the manner provided for other] SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. [appointments requiring such advice and consent.] A person [who] WHOSE APPOINTMENT has been disapproved by the senate shall not be eligible for [another] AN interim appointment to the same office.

Sec. 7. Each principal department shall be under the supervision of the governor[,] unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty[,] or right by any officer, department[,] or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 8. Single executives heading principal departments and the chief executive officers of

Explanation—Matter within [ ] is stricken, matter in capitals is new.

principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 9. The governor shall have power and it shall be his duty[,] to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or FOR any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the [causes of] REASONS FOR such removal or suspension to the legislature. [if in session or otherwise at its next session.]

Sec. 10. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a [judicial] LEGISLATIVE OR JUDICIAL officer, until he is REINSTATED [acquitted] or[, if convicted,] until the vacancy is filled in the manner prescribed by law or this constitution [for such office].

Sec. 11. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 12. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 13. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations [provided] PRESCRIBED by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 14. The governor may convene the legislature on extraordinary occasions.

Sec. 15. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 16. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

Sec. 17. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit any bills to meet deficiencies in current appropriations.

Sec. 18. The governor [shall have power to] MAY disapprove any distinct item or items APPROPRIATING MONEYS in any appropriation bill. The part or parts approved shall become law, and the item or items disapproved shall be void unless re-passed according to the method prescribed for the passage of other bills over the executive veto.

Sec. 19. No appropriation shall be [deemed] a mandate to spend. The governor, with the approval of the appropriating committees of the house and senate, shall reduce expenditures AUTHORIZED BY [of any bodies receiving] appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based. Reductions in expenditures shall be made in accordance with procedures [established] PRESCRIBED by law. The governor['s power to reduce expenditures shall not apply to] MAY NOT REDUCE EXPENDITURES OF the legislative and judicial branches or FROM [to those services for which] funds CONSTITUTIONALLY DEDICATED FOR SPECIFIC PURPOSES. [are mandated by this constitution.]

Sec. 20. The governor, lieutenant governor, secretary of state and attorney general shall be elected FOR FOUR-YEAR TERMS at the general election in each alternate even-numbered year. [They shall serve for terms of 4 years beginning at 12:00 o'clock noon on the first day of January next succeeding their election.]

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

VACANCIES IN THE OFFICE OF THE SECRETARY OF STATE AND ATTORNEY GENERAL SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR.

Sec. 21. [No person shall] TO be eligible for the office of governor or lieutenant governor [who shall not have] A PERSON MUST HAVE attained the age of 30 years, and [who shall] have [not] been [4 years next preceding his election] a registered elector in this state FOR FOUR

YEARS NEXT PRECEDING HIS ELECTION.

Sec. 22. The governor, lieutenant governor, secretary of state[, state treasurer] and attorney general shall each receive the compensation [prescribed] PROVIDED by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 23. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 24. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He [shall] MAY perform [additional] duties [as] requested of him by the governor[.], BUT NO POWER VESTED IN THE GOVERNOR SHALL BE DELEGATED.

Sec. 25. In case of the conviction of the governor on impeachment, his removal from office, his resignation, or [the] HIS death, [of the governor or governor-elect, the powers and duties of the office shall vest, in the following order of precedence, in the person elected at the last election to the office of] THE lieutenant governor, THE ELECTED secretary of state, THE ELECTED attorney general, and such other persons designated by law[, who] shall IN THAT ORDER be governor [after the commencement of their term] for the [residue] REMAINDER of the governor's term.

IN CASE OF THE DEATH OF THE GOVERNOR-ELECT, THE LIEUTENANT GOVERNOR-ELECT, THE SECRETARY OF STATE-ELECT, THE ATTORNEY GENERAL-ELECT AND SUCH OTHER PERSONS DESIGNATED BY LAW SHALL BECOME GOVERNOR IN THAT ORDER AT THE COMMENCEMENT OF THE GOVERNOR-ELECT'S TERM.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability [as determined herein], the powers and duties of the office of governor shall devolve in order of precedence [upon such persons] until the absence or inability giving rise to the DEVOLUTION [devolvement] of powers ceases.

The inability of the governor[, governor-elect] or person[s serving] ACTING as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 26. The legislature shall provide that the salary of any state officer WHILE ACTING AS [performing the duties of] governor [is] SHALL BE equal to that of the governor.

Sec. 27. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as [shall be prescribed] PROVIDED by law.

The state highway commission shall consist of [4] FOUR members, not more than [2] TWO of whom shall be members of the same political party. They shall be appointed by the governor BY AND with the advice and consent of the senate for [4] FOUR-year terms, no [2] TWO of which shall expire in the same year AS PROVIDED BY LAW.

The state highway commission shall appoint AND MAY REMOVE a state highway director, who shall be a competent highway engineer and administrator. He shall be the PRINCIPAL [chief] executive OFFICER of the state highway department and shall be responsible for executing the policy of the state highway commission.

Sec. 28. There is hereby established a civil rights commission which shall consist of [8] EIGHT persons, not more than [4] FOUR of whom shall be members of the same political party, who shall be appointed by the governor, with the advice and consent of the senate, for [4] FOUR-year terms not more than [2] 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 [race] 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 [the] 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.

Explanation—Matter within [ ] is stricken. matter in capitals is new.

ARTICLE VI
JUDICIAL BRANCH

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Article VI
Judicial Branch

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 other courts of limited jurisdiction that the legislature may establish by a [2/3] TWO-THIRDS vote of the members ELECTED TO AND SERVING IN [of] each house.

Sec. 2. The supreme court shall consist of [8] SEVEN justices [to be] elected at non-partisan elections as provided by law. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.] The term of office shall be [for 8] EIGHT years and not more than [3] TWO terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner [as provided] PRESCRIBED by law[,]. [except] Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice AS [in the manner and for the term] provided by [the] rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as [shall] MAY be [deemed] necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

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.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of [the funds] MONEYS appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of [9] NINE judges who shall be nominated and elected [on a] AT non-partisan ELECTIONS [basis] from districts, and in the manner, prescribed by law. The supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be [altered] CHANGED by law.

Sec. 9. Judges of the court of appeals shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be [as provided] PRESCRIBED by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. [A] SESSIONS OF THE circuit court shall be held at least [4] FOUR times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges [n]or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a TERM [period] of [6] SIX years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. THE circuit court[s] shall have original jurisdiction in all matters not 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.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court[s] may fill [any] A vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

Sec. 15. In each county organized for judicial purposes[,] there shall be a probate court. The legislature may [combine one or more counties into] CREATE OR ALTER probate COURT districts OF MORE THAN ONE COUNTY [upon the approval by a majority of the voters of each county voting separately on the question,] IF APPROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLATURE MAY PROVIDE FOR THE COMBINATION OF the office of probate judge with any judicial office of limited jurisdiction [in any] WITHIN A county with supplemental salary as provided by law. The jurisdiction, powers and duties of the probate court[s] and of the judges thereof shall be [prescribed] PROVIDED by law. They shall [also] have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. ONE OR MORE judges of probate AS PROVIDED BY LAW shall be nominated and elected at non-partisan elections in the counties or the probate districtS in which they reside and shall hold office for [a period] TERMS of [6] SIX years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that NOT all terms will [not] expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or [by] the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a [county or] circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court[s] shall receive an annual salary as provided by law. In addition to the salary received from the state, [treasury,] each circuit judge may receive from any county in which he regularly holds court [such] AN additional salary as [may be] determined from time to time by the board of supervisors of the county. In any county where [such] AN additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and [shall] each SHALL have a common seal. [Except as otherwise authorized by this constitution,] Justices and judges of [the] courts of record [of this state shall] MUST be PERSONS WHO ARE licensed to practice law in this state. [and] No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a JUSTICE OR judge removes his domicile beyond the limits of the territory from which he was elected, he shall [be deemed to] have vacated his office.

Explanation—Matter within [ ] is stricken, matter in capitals is new.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service [as a judge] and for one year thereafter.

Sec. 22. Any elected judge of [a] THE court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner [provided] PRESCRIBED by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election AS PROVIDED BY [according to] law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. SUCH PERSONS SHALL BE INELIGIBLE FOR ELECTION TO FILL THE VACANCY.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge[,] who is a candidate for nomination or election to the same office[,] the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of [2/3] TWO-THIRDS of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in [such] THE resolution.

Sec. 26. The offices of circuit court commissioner and justice of the peace shall be abolished at the expiration of [5] FIVE years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction and powers within this period shall be as provided by law. Within [such] THIS [5] 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 [same] shall be paid, shall be provided by law, subject to the limitations contained in this Article.

Statutory courts 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.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as [otherwise] provided in this constitution.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or [body] 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 [shall be] 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[:]. [Provided however, that the] Findings of fact [of the] IN workmen's compensation [commission] PROCEEDINGS shall be conclusive in the absence of fraud unless otherwise provided by law.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges[,] and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII
LOCAL GOVERNMENT

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Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities [prescribed] PROVIDED by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict THE [their] powers of CHARTER COUNTIES TO borrow[ing] money and contract[ing] debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to [enact] ADOPT resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of [5] FIVE percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless APPROVED in [pursuance of] THE MANNER PRESCRIBED BY law BY a majority of electors voting [on] THEREON [the question] in each county to be affected. [thereby shall so decide.]

Sec. 4. There shall be elected for [4] FOUR-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be [prescribed] PROVIDED by law. The board of supervisors in any county may COMBINE [unite] the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security [from time to time] PERIODICALLY and in default of giving such security, his office shall be [deemed] vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in [connection with] civil defense.

Sec. 7. A board of supervisors shall be established in each ORGANIZED county consisting of one member from each organized township and such representation from cities as [shall be prescribed] PROVIDED by law.

Sec. 8. [The] Boards of supervisors shall have LEGISLATIVE, ADMINISTRATIVE [such] AND SUCH OTHER powers and duties as provided by law [not inconsistent with this constitution].

Sec. 9. [The] Boards of supervisors shall have exclusive power to fix the compensation of [all] county [officials] OFFICERS not otherwise provided [for] by law.

Sec. 10. [No] A county seat once established shall NOT be removed until the place to which it is proposed to be [re]moved shall be designated by [2/3] TWO-THIRDS of the MEMBERS OF THE board of supervisors [of the county,] and a majority of the electors voting thereon shall have [voted in favor of] APPROVED the proposed location in [a] THE manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. [No] A navigable stream [of this state] shall NOT be bridged or dammed without permission granted by the board of supervisors of the county [under the provisions of] AS PROVIDED BY law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and POLITICAL SUBDIVISIONS [the municipalities] therein.

Sec. 13. Two or more CONTIGUOUS counties may combine into a single county [provided] IF APPROVED IN EACH AFFECTED COUNTY BY a majority of the [voters] ELECTORS voting on the question. [of each county, voting separately, approve such combination and the counties are contiguous.]

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations [prescribed] PROVIDED by law.

Explanation—Matter within [ ] is stricken, matter in capitals is new.

Sec. 15. Any county, when authorized by its BOARD OF SUPERVISORS [legislative body] shall have the authority to enter or to intervene in any ACTION [suit] or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may [also prescribe] PROVIDE the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties [as may be prescribed] PROVIDED by law. The ad valorem property tax IMPOSED for road purposes by any county shall not exceed in any year [1/2] ONE-HALF of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities [prescribed] PROVIDED by law [and not inconsistent with this constitution].

Sec. 18. IN EACH ORGANIZED TOWNSHIP there shall be elected for [a] termS of not less than [2 years] TWO nor more than [4] FOUR years as [provided] PRESCRIBED by law [in each organized township] a [township] supervisor, a [township] clerk, a [township] treasurer, and[,] not to exceed [4 township] FOUR trustees, whose legislative and administrative powers and duties shall be [prescribed] PROVIDED by law.

Sec. 19. No ORGANIZED township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall FIRST have BEEN APPROVED BY [first received the affirmative vote of] a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of [a] AN ORGANIZED township is included within the boundaries of a village or villages NOTWITHSTANDING THAT A VILLAGE MAY INCLUDE TERRITORY WITHIN ANOTHER ORGANIZED TOWNSHIP and provide by law for the classification of such village or villages as cities [notwithstanding that a village may include territory within another township].

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages[;] . [such general laws] SUCH LAWS shall limit their rate of [general] AD VALOREM property taxation for municipal purposes, and restrict [their] THE powers of CITIES AND VILLAGES TO borrow[ing] money and contract[ing] debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt[,] and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to [pass] ADOPT resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall [be deemed to] limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals[,] and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own[,] and operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power[, and] OR light without its corporate limits [to] IN an amount not [to exceed] EXCEEDING 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services[,] outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines [without] OUTSIDE the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat [and] OR power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall FIRST have been approved by [3/5] THREE-FIFTHS of the electors voting thereon. No city or village may sell any such public utility unless the proposition shall FIRST have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as [authorized] PROVIDED by law, for any public purpose.

Sec. 27. Notwithstanding any other provision

of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, cities, villages, townships or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government [and with intergovernmental agencies]; lend their credit to one another or any combination thereof as PROVIDED [prescribed] by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any [of] such unit[s] of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the [above] purposes SET FORTH IN THIS SECTION and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, city, village or township for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, city, village or township; or to transact local business therein without first obtaining a franchise from the city, village or township. Except as otherwise [authorized] PROVIDED in this constitution the right of all counties, cities, villages and townships to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any city, village or township for a [longer] period LONGER than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt [said] SUCH budgets only after a public hearing in a manner prescribed by law.

Sec. 33. The provisions of this constitution and law concerning cities, villages, counties and townships shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not [inconsistent with nor] prohibited by this constitution.

ARTICLE VIII
EDUCATION

Sec.		Com. Proposal
1.	Principles	1a
2.	Legislative duty to public education	30a
3.	State Board of Education—Superintendent of Public Instruction	47a
4.	Higher education appropriations	98a
5.	Higher education—U of M, MSU, WSU	98b
6.	Other institutions of higher education.	98c
7.	Community and Junior colleges	98d
8.	Instruction programs, etc.	13a
9.	Public libraries, support of	31a

Article VIII
Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to race, creed, religion, color[,] or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to [degree granting] institutions of higher education GRANTING BACCALAUREATE DEGREES, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the [chief administrative] PRINCIPAL EXECUTIVE officer of a state department of education which shall

Explanation—Matter within [ ] is stricken, matter in capitals is new.

have powers and duties provided by law.

The state board of education shall consist of [8] EIGHT members[.] WHO [Of the members first elected 2 shall serve for 2 years, 2 for 4 years, 2 for 6 years and 2 for 8 years, and their successors shall be elected for terms of 8 years. Each member] shall be nominated by party conventionS and elected at large FOR TERMS OF EIGHT YEARS as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall [also] be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate MONEYS [funds] to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names [said] SUCH institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. [These] EACH board[s] shall have [the] general supervision of [their respective] ITS institution[s] and the control and direction of all expenditures from the institution's funds. EACH BOARD [They] shall, as often as necessary, elect a president of the institution under ITS [their respective] supervision, [who] HE shall be the principal executive officer of the institution, [and] be ex-officio a member of the board [but] without the right to vote[,] and preside at meetings of the board. The board[s] of each institution shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years and who shall be elected [according to] AS PROVIDED BY law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as [prescribed] PROVIDED by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. [and] IT shall, as often as necessary, elect a president of the institution under its supervision. [who] HE shall be the principal executive officer of the institution and be ex-officio a member of the board [but] without the right to vote. The board may elect one of ITS MEMBERS [their number], or may designate the president, to preside at board meetings. Each board of control shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the governor BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. [in the same manner as executive appointments are provided in this constitution.] Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges[,] which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges[,] which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of [8] EIGHT members who shall hold office for TERMS OF [8] EIGHT years, NOT MORE THAN TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR, and WHO SHALL be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities[,] and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX
FINANCE & TAXATION

Sec.		Com. Proposal
1.	Tax for State Expenses	50a
2.	No Surrender of Tax Power	54a
3.	Uniform Rule of Taxation	51a
4.	Non Profit Corporation	51a
5.	Assessment, rate of	52a
6.	Limits on Ad Valorem Taxes	56a
7.	No graduated tax	51a
8.	Sales Tax limit	39a
9.	Gasoline and Motor Vehicle Taxes, Use, Exceptions	38a
10.	Sales Taxes, Distribution of	39a
11.	School Aid Fund	39b
12.	Evidence of Indebtedness	23a
13.	Public Bodies, Borrowing of	49a
14.	State Pledge Full Faith and Credit	23b
15.	Additional Borrowing	23b
16.	School Bonds	23d
17.	Payments from Treasury	37b
18.	Prohibition on Credit to Private Concerns	23c
19.	Stock, Interest of State in	37d
20.	State Depositories	37a
21.	Annual Accounting of Public Moneys	37c, 78a
22.	Adjustment of Claims	74a
23.	Financial Records; open and public	37c–1
24.	Pensions, State Obligations	40a

Article IX
Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended[,] or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property held by a non-profit corporation, association, or legal entity and used and occupied exclusively for religious, educational, charitable or burial grounds purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those PUBLIC SERVICE businesses [whose property is now] assessed by the state AT THE DATE THIS CONSTITUTION BECOMES EFFECTIVE, and of other property as designated by the legislature, and for the [levy] IMPOSITION and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes [levied against] IMPOSED UPON REAL AND TANGIBLE PERSONAL property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of [said] property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and FOR the townships and FOR school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. The limitations established [herein] BY THIS CONSTITUTION or by county vote may be increased to an aggregate of not to exceed 50 mills, OR MORE IF PROVIDED BY LAW, on each dollar of [such] valuation, [except as otherwise provided by law,] for a period of not to exceed 20 years at any one time, [by the vote of] IF APPROVED BY a majority of the [qualified] electors, QUALIFIED UNDER [as defined in] Article II, [hereof] SECTION 6 OF THIS CONSTITUTION[,] VOTING ON THE QUESTION [of any such taxing authority voting thereon].

The foregoing limitations shall not apply to [(a)] taxes [levied] IMPOSED for the payment of principal and interest on bonds or other evidences of indebtedness[,] or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be [levied] IMPOSED without limitation as to rate or amount[,]; or [(b)] TO taxes [levied] IMPOSED for any other purpose by any city, village, charter county, charter township or other charter authority the tax limitations of which are provided by charter or by general law.

Explanation—Matter within [ ] is stricken, matter in capitals is new.

In any school district which extends into [2] TWO or more counties, [there may be levied and collected for school purposes throughout the district] property taxes at the highest rate available in the county which contains the greatest part of the area of the district MAY BE IMPOSED AND COLLECTED FOR SCHOOL PURPOSES THROUGHOUT THE DISTRICT.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. [At no time shall] The legislature SHALL NOT [levy] IMPOSE a sales tax on retailers at a rate of more than [4] FOUR percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed DIRECTLY OR INDIRECTLY on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of [the] necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes [upon the privilege of selling] IMPOSED ON RETAILERS ON TAXABLE SALES AT RETAIL OF tangible personal property [at retail] shall be used exclusively for assistance to cities, villages and townships, on a population basis as provided by law. IN DETERMINING POPULATION the legislature may exclude [from population] any portion of the total number of persons who are wards, patients or convicts [of] IN any tax supported institution.

Sec. 11. There shall be established a state school aid fund. The legislature may [from time to time] dedicate [certain] tax revenues to this fund which shall be used exclusively for the support of public education and [for] school employees' retirement systems, [in a manner] AS provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which [it] would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as [last] FINALLY equalized [by the state], or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall LEND [loan] the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall LEND [loan] to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28, Article X, of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such [a] levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal

and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28, Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

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

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements [or the investment of public employee retirement system funds], as [may be] provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation[,] . [except that] Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law[;] . [and except that] Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may [also] provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. PROCEDURES FOR THE EXAMINATION AND ADJUSTMENT OF CLAIMS AGAINST THE STATE SHALL BE PRESCRIBED BY LAW.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as [prescribed] PROVIDED by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be [usable] USED for financing unfunded accrued liabilities.

ARTICLE X
PROPERTY

Sec.		Com. Proposal
1.	Married Women	63a
2.	Eminent Domain	67a
3.	Homestead Exemption	12a
4.	Escheats	74a
5.	State Lands	129a
6.	Alien Rights	43a

Article X
Property

Sec. 1. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law.

Sec. 3. A homestead in the amount of not less than $3,500[.00] and personal property of every resident of this state in the amount of not less than $750[.00], as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded FROM EXEMPTION by law.

Sec. 4. Procedures [for the examination and adjustment of claims against the state and procedures] relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease[,] or other disposition of such lands.

The legislature BY AN ACT ADOPTED [by a resolution concurred in] by TWO-THIRDS [2/3]

Explanation—Matter within [ ] is stricken, matter in capitals is new.

of the members elected to and serving in each house may [from time to time declare] DESIGNATE any part of such lands AS [to be] a state land reserve. [and may remove lands from such classification.] No lands in the state land reserve may be REMOVED FROM THE RESERVE, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

Sec.		Com. Proposal
1.	Oath of Office	25a
2.	Terms of Office	61a
3.	Extra Compensation	62a
4.	Custodian of Funds, Accounting	55a
5.	Classified Civil Service, creation	22a
6.	Civil Service Commission	22a
7.	Commission to make rules and fix compensation	22a
8.	Increases in Compensation	22a
9.	May abolish positions	22a
10.	Commission to recommend increases to governor and legislature	22a
11.	Commission to receive appropriations	22a
12.	Violations of Civil Service Article	22a
13.	Civil Service, Local Government, county	76a, 81m
14.	Impeachment	42a, 42b, 42c, 42d
15.	Removal of Elected Officers	42e

Article XI
Public Officers and Employment

Sec. 1. [Members of the legislature and] All officers, LEGISLATIVE, executive and judicial, [shall,] before [they enter] ENTERING upon the duties of their respective offices, SHALL take and subscribe the following oath or affirmation: ["]I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability.["] No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature[,] and JUSTICES AND judges of courts of record shall begin at [12:00] TWELVE o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall [have a seat in] BE A MEMBER OF the legislature, [n]or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the [chief] PRINCIPAL executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, [8] EIGHT exempt positions in the office of the governor, and within each principal department, when requested by the department head, [2] TWO other exempt positions, one of which shall be policy-making. The civil service commission may exempt [3] THREE additional positions of a policy-making nature within each principal department.

Sec. 6. The civil service commission shall be non-salaried and shall consist of [4] FOUR persons, not more than [2] TWO of whom shall be members of the same political party, appointed by the governor for TERMS OF [8] EIGHT yearS, [overlapping terms.] NO TWO OF WHICH SHALL EXPIRE IN THE SAME YEAR.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

Sec. 7. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified BY THE COMMISSION as qualified for such appointment or promotion [by the commission]. No appointments, promotions, demotions or removals in the classified service shall be made for

partisan, racial or religious considerations.

Sec. 8. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. Within 60 calendar days following such transmission, the legislature may, by a [2/3] TWO-THIRDS vote of the members elected to and serving in each house, reject, reduce, or modify increases in rates of compensation authorized by the commission[:]. [Provided however,] The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

Sec. 9. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

Sec. 10. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

Sec. 11. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within [6] SIX months after the conclusion of each fiscal year the commission shall return to the state treasury all [funds] 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.

Sec. 12. No payment for personal services shall be made or authorized until the provisions of this [article] CONSTITUTION PERTAINING TO CIVIL SERVICE have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 13. BY ORDINANCE OR RESOLUTION WHICH SHALL NOT TAKE EFFECT UNTIL APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON, each city, village, township, county, school district[,] and other governmental unit[s] or authorit[ies]Y [performing the same or similar functions] may[, by ordinance or resolution of the governing body which ordinance or resolution shall not take effect until approved by a majority of the electors voting thereon,] establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services [to them] TO ANY SUCH UNIT on a reimbursable basis.

[The board of supervisors of any county with a population of 1,000,000 or more shall have the power by ordinance to establish a merit system for county employment. The ordinance or any amendments thereto shall not take effect until approved by a majority of the electors voting thereon.]

Sec. 14. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect [3] THREE of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of [2/3] TWO-THIRDS of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise ANY OF THE FUNCTIONS OF his office after an impeachment is directed until he is acquitted.

Sec. 15. Any elected officer of a political subdivision may be removed from office in the manner and for the causes [prescribed] PROVIDED by law.

ARTICLE XII
AMENDMENT & REVISION

Sec.		Com. Proposal
1.	By Legislature	64a
2.	By Petition of Electors	65a
3.	Constitutional Convention	66a

Explanation—Matter within [ ] is stricken, matter in capitals is new.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by [2/3] TWO-THIRDS of the members elected to and serving in each house on a [yea and nay] vote WITH THE NAMES AND VOTE OF THOSE VOTING entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on [such] a proposed amendment approve [such amendment,] THE SAME, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, or 300,000 registered electors, whichever is less. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition[,] shall[,] upon its receipt[,] determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next GENERAL election. [at which any state officer is to be elected.] Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot [used in such election] 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 ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, the proposed amendment shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. IF TWO OR MORE AMENDMENTS APPROVED BY THE ELECTORS AT THE SAME ELECTION CONFLICT, THAT AMENDMENT RECEIVING THE HIGHEST AFFIRMATIVE VOTE SHALL PREVAIL.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than [4] FOUR months after the proposal was certified as approved, the electors of each [house of] representative[s] district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate. The delegates so elected shall convene at the SEAT OF GOVERNMENT [capital city] on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate. [If the legislature shall determine that delegates shall be elected on a partisan basis, the governor shall appoint a qualified resident of the same district and of the same party.] WHO SHALL BE A MEMBER OF THE SAME PARTY AS THE DELEGATE VACATING THE OFFICE IF THE LEGISLATURE PROVIDES FOR PARTISAN ELECTION OF DELEGATES. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, WITH THE NAMES AND VOTE OF THOSE VOTING [the yeas and nays being] entered in the journal. Any proposed constitution or amendments adopted

by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

SCHEDULE AND TEMPORARY PROVISIONS

Sec.		Com. Proposal
1.	Attorney general to recommend necessary laws	44d
2.	Writs, actions, claims, etc. remain effective	44b
3.	Officers continue their duties	44c and 71g
4.	Terms of officers elected November, 1962	68b
5.	Terms of governor, etc. elected 1964. When 4 year terms begin	80 and 71a
6.	Senate Apportionment	80
7.	Supreme Court, reduction to seven justices	91a
8.	Judges of Probate, eligible for re-election	96f
9.	Overlapping terms for judiciary	96j
10.	State Board of Education	47a
11.	Boards of Control	98c
12.	Educational Boards	
13.	Initial allocation	71b
14.	Contractual obligations remain in force	6a
15.	Mackinac Bridge refunding	23b
16.	Constitution submitted to people, when	68a
17.	Constitution submitted to people, manner	68c

TO INSURE THE ORDERLY TRANSITION FROM THE CONSTITUTION OF 1908 TO THIS CONSTITUTION THE FOLLOWING SCHEDULE IS SET FORTH TO BE EFFECTIVE FOR SUCH PERIOD AS ITS PROVISIONS REQUIRE.

Sec. 1. The attorney general [of the state] shall recommend to the legislature AS SOON AS PRACTICABLE [at the commencement of the next session] such changes AS MAY BE NECESSARY [in existing laws as may be deemed necessary] to adapt EXISTING LAWS [the same] to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights [of individuals, partnerships, bodies corporate, and of this state or any subdivision or agency thereof] existing on the effective date [hereof] OF THIS CONSTITUTION shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise THEIR POWERS AND [the] duties [thereof, according to their respective commissions or appointments,] until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election ON [in] or prior to THE DATE ON WHICH THIS CONSTITUTION IS SUBMITTED TO A VOTE. [November, 1962.] In the event the duties of any [of] such officers shall not have been ABOLISHED OR incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated OR ABOLISHED.

Sec. 4. All officers elected [on the Tuesday after the first Monday of November, 1962] AT THE SAME ELECTION THAT THIS CONSTITUTION IS SUBMITTED TO THE PEOPLE FOR ADOPTION [under the 1908 Constitution as amended and existing laws] shall take office [on and after the first day of January, 1963,] and complete the term to which they were elected UNDER THE 1908 CONSTITUTION AND EXISTING LAWS AND CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED PURSUANT TO THIS CONSTITUTION OR LAW.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, THE lieutenant governor, THE secretary of state [and], THE attorney general, AND state senators shall be elected at the general election in 1964 to serve for [2] TWO year terms beginning on the first day of January next succeeding their election. The first [4 year] election OF SUCH OFFICERS FOR FOUR-YEAR TERMS under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of [Committee Proposal 80, section a,] ARTICLE IV, SECTION 2 after the official publication of the total population count of the 1970 decennial federal census. Until the [re]apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution[, as amended,] shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into [2] TWO senatorial districts and Wayne county into [8] EIGHT senatorial districts in accordance with this constitution.

Sec. 7. [A vacancy hereafter created as the result of the death, retirement or resignation of one incumbent justice shall not be filled.]

NOTWITHSTANDING THE PROVISIONS OF THIS CONSTITUTION THAT THE SUPREME COURT SHALL CONSIST OF SEVEN JUSTICES IT SHALL CONSIST OF EIGHT JUSTICES UNTIL THE TIME THAT A VACANCY OCCURS AS A RESULT OF DEATH, RETIREMENT OR RESIGNATION OF A JUSTICE. THE FIRST SUCH VACANCY SHALL NOT BE FILLED.

Sec. 8. Any [supreme court justice, circuit judge,] judge of probate serving [at] ON the [time this constitution becomes] effective DATE OF THIS CONSTITUTION may serve the remainder of the term and be eligible TO SUCCEED HIMSELF for election [to his present office] regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of [this] Article VI providing that terms of JUDICIAL offices shall not all expire at the same time, shall be implemented BY LAW PROVIDING THAT at the next election for such offices [by legislation providing for elections] JUDGES SHALL BE ELECTED for terms of varying length, none of which shall be shorter than the [basic] REGULAR term provided for the office.

Sec. 10. THE MEMBERS OF THE STATE BOARD OF EDUCATION PROVIDED FOR IN ARTICLE VIII SECTION 3 SHALL FIRST BE ELECTED AT THE FIRST GENERAL ELECTION AFTER THE EFFECTIVE DATE OF THIS CONSTITUTION FOR THE FOLLOWING TERMS: TWO SHALL BE ELECTED FOR TWO YEARS, TWO FOR FOUR YEARS, TWO FOR SIX YEARS, AND TWO FOR EIGHT YEARS AS PRESCRIBED BY LAW.

THE STATE BOARD OF EDUCATION PROVIDED FOR IN THE CONSTITUTION OF 1908 IS ABOLISHED AT TWELVE O'CLOCK NOON JANUARY 1 OF THE YEAR FOLLOWING THE FIRST GENERAL ELECTION UNDER THIS CONSTITUTION AND THE TERMS OF MEMBERS THEREOF SHALL THEN EXPIRE.

Sec. 11. THE PROVISIONS OF THIS CONSTITUTION PROVIDING FOR MEMBERS OF BOARDS OF CONTROL OF INSTITUTIONS OF HIGHER EDUCATION AND THE STATE BOARD OF PUBLIC COMMUNITY AND JUNIOR COLLEGES SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 12. THE PROVISIONS OF THIS CONSTITUTION INCREASING THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AND OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY TO EIGHT, AND OF THEIR TERMS OF OFFICE TO EIGHT YEARS, SHALL BE IMPLEMENTED BY LAW. THE LAW MAY PROVIDE THAT THE TERM OF EACH MEMBER IN OFFICE ON THE DATE OF THE VOTE ON THIS CONSTITUTION MAY BE EXTENDED ONE YEAR, AND MAY FURTHER PROVIDE THAT THE INITIAL TERMS OF OFFICE OF THE ADDITIONAL MEMBERS MAY BE LESS THAN EIGHT YEARS.

Sec. 13. The initial allocation of departments by law pursuant to Article V, Section 2 shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 [as amended] shall continue to be obligations of the state.

For the retirement of [such] notes and bonds [as may have been] issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each [such] year.

Sec. 15. [Provided however, That] The legislature [is authorized to provide by general law adopted] by a vote of [2/3] TWO-THIRDS of the members elected to and serving in each house MAY PROVIDE THAT THE STATE MAY [for the] borrow[ing of] money AND MAY PLEDGE ITS FULL FAITH AND CREDIT for [the] refunding [of] any bonds issued by the Mackinac Bridge Authority[,]AND at [which] THE time OF REFUNDING the Mackinac Bridge Authority [Act] shall be [repealed] ABOLISHED and the operation of the bridge SHALL be assumed by the state highway department. THE LEGISLATURE MAY IMPLEMENT THIS SECTION BY LAW.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to A GENERAL [such] election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote

on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: ["] Shall the revised constitution be adopted? ( ) Yes. ( ) No. ["] All votes cast at THE [this] election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. [Should] IF the revised constitution so submitted receiveS more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January OF THE YEAR FOLLOWING ITS ADOPTION [,1963, except as otherwise provided in this constitution].

Explanation—Matter within [ ] is stricken, matter in capitals is new.

SECRETARY CHASE (continuing): **Preamble.**

[The preamble was read by the secretary. For text, see above, page 3047.]

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the preamble. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—127

Allen	Gust	Perras
Andrus, Miss	Habermehl	Plank
Anspach	Hanna, W. F.	Pollock
Austin	Hannah, J. A.	Powell
Baginski	Hart, Miss	Prettie
Balcer	Haskill	Pugsley
Barthwell	Hatch	Radka
Batchelor	Hatcher, Mrs.	Rajkovich
Beaman	Heideman	Richards, J. B.
Bentley	Higgs	Richards, L. W.
Binkowski	Hodges	Romney
Blandford	Howes	Rush
Bonisteel	Hoxie	Sablich
Boothby	Hubbs	Seyferth
Bradley	Hutchinson	Shackleton
Brown, G. E.	Iverson	Shaffer
Buback	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Cudlip	King	Sleder
Cushman, Mrs.	Kirk, S.	Snyder
Dade	Koeze, Mrs.	Spitler
Danhof	Krolikowski	Stafseth
Dehnke	Kuhn	Staiger
Dell	Lawrence	Stamm
DeVries	Leibrand	Sterrett
Donnelly, Miss	Leppien	Stevens
Doty, Dean	Lesinski	Stopczynski
Doty, Donald	Madar	Suzore
Downs	Mahinske	Tubbs
Durst	Martin	Turner
Elliott, A. G.	McAllister	Tweedie
Elliott, Mrs. Daisy	McCauley	Upton
Erickson	McGowan, Miss	Van Dusen
Everett	McLogan	Walker
Farnsworth	Millard	Wanger
Faxon	Mosier	White
Finch	Murphy	Wilkowski
Follo	Nord	Wood
Gadola	Ostrow	Woolfenden
Garvin	Page	Yeager
Goebel	Pellow	Young
Gover	Perlich	Youngblood
Greene		

Nays—2

Jones	Norris

SECRETARY CHASE: On the passage of the preamble, the yeas are 127; the nays, 2.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted in favor thereof, the **preamble** is passed.

For the preamble as passed, see above, page 3047.

SECRETARY CHASE: **Article I,** declaration of rights.

VICE PRESIDENT HUTCHINSON: On this article, there having been filed a notice by the committee on style and drafting relative to a motion for reconsideration of article I, section 2, tomorrow, the Chair will rule that **article I,** declaration of rights, will be passed for the day.

SECRETARY CHASE: **Article II,** elections.

MR. POLLOCK: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Is it necessary to have the reading? May I move to dispense with the reading of this article?

VICE PRESIDENT HUTCHINSON: Without objection, the article will be considered read.

A DELEGATE: Objection.

VICE PRESIDENT HUTCHINSON: Objection is heard. The secretary will continue reading.

SECRETARY CHASE: Section 1.

[Article II, section 1, was read by the secretary. For text, see above, page 3048.]

MR. WANGER: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: Parliamentary inquiry.

VICE PRESIDENT HUTCHINSON: The gentleman will state it.

MR. WANGER: Would the Chair please briefly describe the total procedure on third reading? Particularly, at what point is a vote of 73 required under our rules now, and also will there be an opportunity at the end to offer amendments to the whole constitution such as was the case with individual proposals on second reading?

VICE PRESIDENT HUTCHINSON: In reply to the parliamentary inquiry made by Mr. Wanger, rule 58 says that upon passage of every article the vote shall be taken by yeas and nays and entered on the journal and no article shall be declared passed unless a majority of all the delegates elected to the convention shall have voted in favor of the passage of the same. Therefore, it is very obvious that 73 votes are necessary for the passage of every article.

Amendments to any article would be in order after the reading of that article and before the article is voted upon finally. It would appear that amendments may be adopted by a majority of the delegates voting on the question.

The Chair would rule that amendments to the whole constitution would be in order after the several articles had all been adopted. The question then, finally, under the provisions of the present constitution of Michigan, will be on the passage of the constitution as one document. At that point further amendments to the constitution would be in order.

MR. WANGER: I raised this last question in particular, Mr. President, since the whole declaration of rights has been put over until tomorrow and those committees who were next in line are not going to have anywhere nearly as much time as they thought they would otherwise. So I understand, then, that an amendment can be offered at the end of the first complete consideration of all articles to any article which has been considered on third reading?

VICE PRESIDENT HUTCHINSON: Any amendment which would be in order to the body of the constitution would be in order.

MRS. HATCHER: Mr. President.

VICE PRESIDENT HUTCHINSON: Mrs. Hatcher.

MRS. HATCHER: I would like a thorough explanation of why we are bypassing the first portion of article I. Why is it being put over until tomorrow for discussion?

VICE PRESIDENT HUTCHINSON: We are bypassing the whole of article I because under the order of third reading it is article by article that we consider, and since the committee on style and drafting, through its chairman, served notice upon this convention that under the rules it proposes to move to reconsider a particular provision in the bill of rights, article I, on the morrow, then the article must be laid over in order to accommodate that.

MRS. HATCHER: I can understand this explanation. I think it's a little more thorough than you said in the beginning. I was of the impression that we would begin today at the opening of the session on article I, and I went to a tremendous expense and quite a sacrifice to be here this afternoon to commence with my committee's report and I certainly would like to have had this kind of information prior to making the sacrifices, especially the money that was involved that I had to lose in order to be back here this afternoon. And I think this last minute notice of it being postponed until tomorrow is just ridiculous.

VICE PRESIDENT HUTCHINSON: The secretary will continue to read the second article.

SECRETARY CHASE: Section 2:

[Article II, sections 2, 3 and 4, was read by the secretary. For text, see above, page 3048.]

MR. DOWNS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Downs.

MR. DOWNS: I have an amendment which is being typed up. I wish to say that on the time on this, as the other delegates, we have just received the journal and we are reading it as fast as we can. I believe that the amendment is practically ready. Would you rather have it offered now to the section or wait until the whole article has been presented?

VICE PRESIDENT HUTCHINSON: If we may read the entire article first and then offer amendments to the article, that would be more orderly.

MR. DOWNS: Just so we are sure that after the entire article is read we will have a chance to offer the amendment.

VICE PRESIDENT HUTCHINSON: You will have.

SECRETARY CHASE: Section 5 —

MR. WOOLFENDEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Woolfenden.

MR. WOOLFENDEN: I'd like to make a parliamentary inquiry. If I understand our situation on article I, it is laid over because of the fact that it is necessary under our rules to have a one day layover for Mr. Cudlip's motion. Am I correct on that?

VICE PRESIDENT HUTCHINSON: That is correct, Mr. Woolfenden.

MR. WOOLFENDEN: Well, I'd like to make this inquiry of the Chair: would it be possible by a vote of this body, if it were so inclined, to suspend the rules requiring that one day layover which would then permit consideration of article I today?

VICE PRESIDENT HUTCHINSON: It could be done if the body desired to suspend the rules. The Chair received no motion to suspend.

MR. WOOLFENDEN: Would I be in order now to make that motion?

VICE PRESIDENT HUTCHINSON: The Chair would suggest that inasmuch as article II has been entered upon, that the motion to suspend, in order to take up article I, does not come timely. You can do it after completion of consideration of article II. You can bring it up then before we get on to article III.

MR. WOOLFENDEN: I will then ask for recognition for the purpose of making that motion at the conclusion of article II.

VICE PRESIDENT HUTCHINSON: Very well.

SECRETARY CHASE: Section 5.

[Article II, sections 5, 6, 7, 8 and 9, was read by the secretary. For text, see above, page 3049.]

Mr. William F. Hanna offers the following amendment:

1. Amend article II, section 5 (column 1, line 30) after "elected" by inserting a period and "The legislature may provide by law for the election of judicial, educational and township officers at elections to be held in odd-numbered years".

VICE PRESIDENT HUTCHINSON: On the amendment, Mr. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, as we proceeded through this in style and drafting I became perturbed with the number of persons under this constitution that we have required to be elected at either an election in the presidential or gubernatorial election years, there being now only 2 fall elections.

I want to make it clear at the outset that, so far as I can see, there is no mechanical difficulty. Mr. Buback has presented to me today — I have talked to him before — models of voting machines which clearly show that you can get all the persons which we have provided here to be elected at the biennial fall elections on either of the 2 voting machines commonly in use in the state of Michigan. And of course, it is immediately obvious that we could always do it on some paper ballot.

However, I call to your attention that this means approximately 36 to 40 positions to be filled at the so called biennial fall election. Now, one of the objects of good citizen participation is that the people should be able to intelligently cast their ballot. And I submit to you that when you have at the same election 36 to 40 different positions to be filled — some of them township, some of them nonpartisan judicial, some of them county and state — that you have created a very long and what we have sometimes referred to as a bedsheet ballot. I am making this argument not because of the mechanical difficulties, but because, as a personal conviction, I believe that a ballot of 40 positions to be filled is entirely too many. Now, this ballot will be somewhat shorter to the extent that you elect one circuit judge only every 6 years or one every 3 years, and I call to your attention that in Wayne county, of course, this will be increased to the extent that you have more judges. You also have, in Wayne county and some other counties, boards of auditors where other counties operate under an appointive controller system. But I submit to you that 36 to 40 positions to be filled are too many.

Now, if we leave this in the constitution, it will clearly require, if this shall prove to be too long, a constitutional amendment. And from our experience in style and drafting, it would appear that constitutional amendments that are submitted by the initiative method are not always well worded, not always well placed in a new constitution. You do not have so much trouble with amendments submitted by the legislature.

The import of my amendment is simply this: it provides that the legislature may by law take from the biennial fall election judicial, educational and township officers and hold that election in odd numbered years. Now, a lot of people are going to say that I am merely recreating the old spring election. I would hope that I am not, and I would hope that the legislature would create, at the most, an annual fall election. But I submit to you that a ballot of 40 people is too long and I would not want this body to adopt the biennial fall election without these facts being before it and an expression of opinion.

I myself will vote for this amendment but I feel everyone should vote as they see fit and what their personal conclusions are as to whether the ballot should be 36 or 40 positions to be filled, or something less than that.

MR. POLLOCK: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Pollock, before we continue, I am advised that the secretary has an amendment to the amendment which we should first read.

SECRETARY CHASE: Mr. Van Dusen offers the following amendment to the amendment:

1. Amend the amendment, after "held" by inserting "on the first Tuesday after the first Monday in November"; so that the language to be inserted would read:

The legislature may provide by law for the election of judicial, educational and township officers at elections to be held on the first Tuesday after the first Monday in November in odd-numbered years.

MR. W. F. HANNA: Mr. President, I will accept the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Hanna accepts the amendment and so the amendment is revised as the secretary will now read.

SECRETARY CHASE: The amendment now reads:

1. Amend article II, section 5 (column 1, line 30) after "elected" by inserting a period and "The legislature may provide by law for the election of judicial, educational and township officers at elections to be held on the first Tuesday after the first Monday in November in odd-numbered years".

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President and fellow delegates, I was about to remark before this amendment to the amendment came in, Mr. Hanna was attempting to do in a partial way what the convention had decided not to do when it was at an earlier stage. Now, with Mr. Van Dusen's amendment we have the same issue before us that we had in another reading, either committee of the whole or second reading — I can't remember which. In substance it's the same that we've already voted on and I suppose I could raise a point of order. But I believe the language is somewhat different and now it's combined with 2 or 3 ideas, so I believe it is entirely different. However, it's

tions, I think you very materially reduce the number of people who are on hand to vote for gubernatorial, senatorial and congressional elections. It seems that this would be moving in the wrong direction. I think that this does harm rather than help in bringing out the maximum vote throughout the state for gubernatorial elections. I therefore would oppose the amendment.

VICE PRESIDENT HUTCHINSON: Mr. Leppien.

MR. LEPPIEN: Mr. President and fellow delegates, I'm sure each delegate will agree, from the debate and the discussions we've had in the previous sessions of this convention on this subject, that there was one thing that we agreed on pretty much, and that was that what we needed in the state of Michigan was more participation in elections. To secure greater participation, the only thing we can recommend is the defeat of this amendment and the adoption of the provision. All the mechanics of how it's done have already been taken care of. I urge the defeat of the amendment and the adoption of the committee proposal as it stands.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. William F. Hanna to article II, section 5, as revised by the Van Dusen amendment, which has been read. All those in favor will say aye. Opposed will say no. The Chair is in doubt. All those in favor will vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the adoption of the amendment, as revised, offered by Mr. Hanna, the yeas are 37; the nays are 86.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Yeager, Miss Andrus and Mrs. Koeze offer the following amendment to section 4:

1. Amend article II, section 4 (first column, line 21) after "names.", by inserting "Unless otherwise provided by law, all qualified electors voting in any partisan primary election held within the state shall cast their vote by political party on separate ballots after declaring and registering party affiliation under rules and regulations prescribed by the legislature."; so the language will then read, beginning in line 15:

> No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames. Unless otherwise provided by law, all qualified electors voting in any partisan primary election held within the state shall cast their vote by political party on separate ballots after declaring and registering party affiliation under rules and regulations prescribed by the legislature.

VICE PRESIDENT HUTCHINSON: Mr. Yeager.

MR. YEAGER: Mr. President, ladies and gentlemen of the convention, we're back again with the closed primary proposition. We had a very close vote on first reading and a tie vote on second reading. The change we've made is this: we've stuck in the begining of the language, "Unless otherwise provided by law." In other words we have provided here that there be a closed primary unless the legislature specifically acts against it. If there is to be a closed primary and the legislature doesn't specifically act to prohibit it, then the legislature shall provide all of the rules or the administrative detail relating to it.

As you will recall, we gave arguments that this closed primary will strengthen the 2 party system, and this is good government. No one has denied this in any of the arguments that a primary is properly a party affair. But I don't want to go into a restatement of all of these arguments today. The thing that's bothered me most about the arguments given against it were the arguments to the effect that fear was the main basis for opposing a closed primary in Michigan. Now, as you recall, many of the major states in this country have a closed primary. Are we to believe that this system we have of government — this democracy — is so constituted that people have to fear to have known what party they support in the primary? If so, I submit we have deteriorated as a country and as a state, and we're on unsafe ground. Have we lost all respect for people taking a stand? It has been stated that the minister, the college professor, the businessman, the plumber, and so on will be afraid to let anyone know what party they support in the primary. Not the general election, mind you, but the primary.

I've been in business 15 years, and 12 of those years I have been politically identified as a Republican. I have never found any reason to even question this position. No one, to my knowledge, has ever used it as a basis to refuse to do business with my firm. Let's take Mr. Romney as a case in point. He is certainly identified as a Republican. In spite of this, I understand that Rambler sales are increasing regularly. I hear that no less a Democrat partisan than Mildred Jeffries drives a Rambler.

I again urge that you vote yes on the amendment for a closed primary in the state of Michigan for good, strong government; for a good, strong 2 party system.

VICE PRESIDENT HUTCHINSON: Mr. Jones.

MR. KUHN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Kuhn.

MR. KUHN: Could we have the amendment read again so I can see whether or not it's in order?

VICE PRESIDENT HUTCHINSON: The secretary will read the amendment again.

SECRETARY CHASE: The amendment is:

[The amendment was again read by the secretary. For text, see above.]

MR. KUHN: Thank you.

VICE PRESIDENT HUTCHINSON: Mr. Jones.

MR. JONES: Mr. President, fellow delegates, I rise to oppose this amendment. It violates the secrecy of the ballot which we should cherish as freedom loving people. Secondly, under the closed primary system, as it was operating in Illinois when I lived there and voted in Illinois, I can assure you that voter flipflopping is much greater under a closed primary system than under the open primary.

VICE PRESIDENT HUTCHINSON: Mr. Hodges.

MR. HODGES: Mr. President, I rise on this question merely because I've changed my position since the last time I spoke and I think I owe an obligation to the record and to the delegates to explain my reasons. I pointed out the time previous that I had thought we had reached a time in point of history in this country where the blue collar worker, or the so called factory worker, would probably not today be penalized for his party preference because of being in, probably, an organized shop and therefore they could not use this against him. I think this is true today. However, on reflection and consideration, the blue collar worker is becoming a dwindling number of people in our society and the increase is in white collar workers in our society. It is the idea that they are not similarly protected that has raised questions in my mind as to whether there is real wisdom in this or not.

I think that a good case could be made out that while it might not be used against somebody in terms of their job, certainly it may disturb people as far as advancement goes and that they may feel in their own minds it would be safer not to vote than to be recorded with a certain political preference as far as advancement goes. And in recollection, I remember when I was working for a large automobile manufacturer in a white collar capacity, that a supervisory employee of that corporation was fired and the allegation was made at the time the reason he was fired was for being a candidate for congress of a certain political party which usually disagreed with the corporation itself. And this just happened in the last congressional election. And I think perhaps this does point up — whether there was truth in the allegation or whether he was fired for other reasons, it certainly came at a most inopportune time in the sense that he announced one week and was fired the next, and that after being there for some 10 or 12 years — that possibly, in the public's mind, this can be related to his political preference.

I think as long as there is this hesitancy — and there would be great hesitancy on the part of many white collar workers — to identify thus, perhaps we should continue the tradition we've

had over the years in Michigan and continue without this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I would move that further debate on this amendment be limited to 5 minutes.

VICE PRESIDENT HUTCHINSON: All those in favor will say aye. Opposed.

The motion prevails. The Chair recognizes Mr. Buback.

MR. BUBACK: Mr. President and fellow delegates, I also strongly urge you to defeat this amendment. This amendment we had up in committee of the whole and second reading. We defeated it by over 11 votes on the motion to reconsider, and I think this will preclude the independent voter from going to the polls in the primary. I think this is going to preclude the clergyman, the businessman, even the factory worker and other people that may not want to vote out in the open. This eliminates the secrecy of the ballot. I urge you very strongly to oppose this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Pollock.

MR. POLLOCK: Mr. President, I'm opposed to this amendment, as I have been on previous submissions of it. I think I also feel a little bit weary at this point. I have a handful of copies of amendments of a similar sort, all of which have been offered at previous readings. I submit, Mr. President, that I thought third reading was to take pretty much for granted what we had done thus far and try to improve it. Improving it doesn't mean just talking over again the same old things. And I therefore will say that I'm opposed to this amendment and it looks to me like the whole sheaf of amendments that I have here are in about the same category. I urge the defeat of this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Hubbs.

MR. HUBBS: Mr. President, members of this convention, I would urge you to vote for this amendment. I would like to reply briefly to what Mr. Jones says. He says it violates the secrecy of the ballot. This is absolutely absurd. The primary system, which was the brainchild of the political scientists a good many years ago, I assume, is something that violates the rights of political parties and individuals to support the party of their choice.

As far as I'm concerned, I believe it would be a good idea if people who do not have their own convictions and are not willing to stand up and be counted shouldn't have the right to vote in the primary. I don't know how simply we can say it to these people, but a primary is a political party function. It's not a public function. If you can't belong to a political party because of where you work or what you believe in, or your religion, you don't need to belong to one. When the general election comes along, you'll have a right to vote, and you'll have secrecy of the ballot and you can vote the way you please. And I recommend that we support this in order to make this state of Michigan a better place to live in in the future. Thank you very much. (applause)

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: Nothing could be more patently legislative than to put into the constitution something which changes the law from what it is now, but goes on to say that the legislature can change it back. That's exactly what this amendment does. It should not be adopted. And I ask for the yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Wanger demands the yeas and nays upon the amendment. Is the demand supported? The yeas and nays are ordered. The Chair recognizes Mr. Madar.

MR. MADAR: First, Mr. President, I just want to say that it doesn't make much difference to me whether a guy buys a car in Wisconsin or buys it in Michigan. I still buy mine here.

Now, I want to say this: that there are 2 types of politicians. One who would raise particular hallelujah with those friends of yours who didn't think that he was capable of handling the job. I personally don't care. If a person doesn't feel like voting for me, that's all right. And I don't want to know how he votes. That's his business. I think it's my business and your business who you vote for. And I still think that's the way we ought to keep it. Let's vote against this amendment. We've done it now 4 or 5 times.

VICE PRESIDENT HUTCHINSON: Mr. Dean Doty.

MR. DEAN DOTY: Mr. President, I'm a little concerned about these people who are always harping about the secrecy about the election. You know, we've been talking a long time about: today we trust the legislature; tomorrow we don't. Today we can put in statutory language; tomorrow we can't. I'm beginning to wonder about, perhaps, the danger that it might be vetoed. I don't know who you'd trust or wouldn't trust at that point. So maybe we ought to put it in today because as I say, if the legislature does it, it might be vetoed.

But aren't we being a little bit ridiculous about this? Either you are partisan or you aren't. Are you going to do it in party convention? Is that what you want? Or do you want all of the so called independents and nonpartisans going down and electing your candidates? That's what it boils down to, whether anybody wants to vote secretly or not.

VICE PRESIDENT HUTCHINSON: Mr. Garry Brown.

MR. G. E. BROWN: Mr. President, I'd like to direct a question to Mr. Yeager, through the Chair, please.

VICE PRESIDENT HUTCHINSON: If the gentleman cares to respond.

MR. G. E. BROWN: My question is this, Mr. President, Mr. Yeager: under the language as it is presently written in your amendment — directing your attention to the last part of the third from the last line and the next 2 lines — the vote shall not be cast until there has been a declaration and a registration —

VICE PRESIDENT HUTCHINSON: Time for debate has expired. Sorry. The question is upon the amendment offered by Mr. Yeager and others which has been read. The yeas and nays have been ordered. This is a record roll call vote. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—55

Andrus, Miss	Gust	Powell
Batchelor	Habermehl	Prettie
Beaman	Hanna, W. F.	Pugsley
Bentley	Haskill	Radka
Blandford	Hoxie	Richards, J. B.
Boothby	Hubbs	Rush
Brake	Iverson	Seyferth
Danhof	Karn	Shackleton
Dehnke	King	Shanahan
Dell	Kirk, S.	Sharpe
Doty, Dean	Koeze, Mrs.	Sleder
Doty, Donald	Leibrand	Stafseth
Elliott, A. G.	Leppien	Stevens
Erickson	McAllister	Thomson
Everett	Millard	Turner
Farnsworth	Mosier	Upton
Finch	Perras	White
Goebel	Plank	Yeager
Gover		

Nays — 71

Allen	Hart, Miss	Page
Anspach	Hatch	Pellow
Austin	Hatcher, Mrs.	Perlich
Baginski	Heideman	Pollock
Balcer	Higgs	Rajkovich
Barthwell	Hodges	Richards, L. W.
Binkowski	Howes	Romney
Bonisteel	Jones	Sablich
Bradley	Judd, Mrs.	Shaffer
Buback	Krolikowski	Snyder
Butler, Mrs.	Kuhn	Spitler
Cudlip	Lawrence	Stopczynski
Cushman, Mrs.	Lesinski	Suzore
Dade	Madar	Tubbs
Donnelly, Miss	Mahinske	Tweedie
Downs	Marshall	Van Dusen
Durst	Martin	Walker
Elliott, Mrs. Daisy	McCauley	Wanger
Faxon	McGowan, Miss	Wilkowski
Follo	McLogan	Wood
Gadola	Murphy	Woolfenden

Garvin	Nord	Young
Greene	Norris	Youngblood
Hannah, J. A.	Ostrow	

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Yeager, Miss Andrus and Mrs. Koeze, the yeas are 55; the nays are 71.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Mr. Allen offers the following amendment:

1. Amend article II, section 6 (first column, line 33) after "Sec. 6.", by inserting "Except as otherwise provided by charter,"; so that section 6 will read:

> Except as otherwise provided by charter, whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, the direct expenditure of public money, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon.

VICE PRESIDENT HUTCHINSON: Mr. Allen.

MR. ALLEN: Mr. President, I believe when the convention put in the additional restriction that on a millage increase the person voting must be a property owner, the convention was thinking entirely of the 15 mill limitation and school issues, and I don't think the convention was thinking in terms of city charters. Now, I'm not sure of this but I don't recall any discussion this way. Now, supposing we have a city charter with a 10 mill limitation — the state law limits now to 20 mills — and this city wants to increase its millage limitation from 10 to more than 10. And let us say that the existing charter of the city permits a person to vote on this question of raising the millage who is not a property owner. Now, do we want by this language — and I think we already do — to rewrite the city charter provision that already exists? I don't think that we do, although I'm not sure of it. If we do want it, at least the proposed language presents the issue squarely to this convention.

What I'm trying to do by this amendment is to take out of this language the questions which apply where you have a millage limitation set by a city charter. And I don't think at this late date in the game the convention would be wise to go around and try to make some more enemies of this constitution by overriding existing charter provisions. I can't give you chapter and verse what charters would say where the charter limitation is to be raised, who may and who may not vote: but it occurs to me there may be some, and if there are, I don't think we should try to override the charter provision.

Therefore, I am simply saying in this language that if an existing charter says that someone who is not a property owner may vote on a millage increase, then this language shall not apply. I'm trying to exclude charters now in existence or, I think you could say, charters that might be amended, although I didn't have that particularly in mind. Therefore, I would urge support of this amendment.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. President, Mr. Allen, may I call your attention to the fact that your word "charter" goes beyond cities and villages. We already have charter townships and very possibly in the future, very probably in the future, we will have charter counties. Would you be willing to restrict your language to cities and villages?

MR. ALLEN: Mr. President, in replying to Mr. Brake, I would be, except I feel this would open the subject up to an accusation of special favors for cities, or something like that. I had not thought of the charter township. I had thought that perhaps a charter home rule county, which we may have under the new constitution, might come under this. But if it would be agreeable to Mr. Brake, I would restrict this amendment to city charters.

VICE PRESIDENT HUTCHINSON: Will you state to the secretary how you propose to revise your amendment?

MR. ALLEN: I would change the language, Mr. President, so as to read, "Except as otherwise provided by the charter of any city."

SECRETARY CHASE: The revised amendment is as follows:

1. Amend article II, section 6 (first column, line 33) after "Sec. 6.", by inserting "Except as otherwise provided by the charter of any city,".

VICE PRESIDENT HUTCHINSON: Mr. Powell.

MR. POWELL: Mr. President and fellow delegates, I would point out that this new language goes considerably further than Delegate Allen has mentioned. He has talked merely about the millage increase part but as I understand it, it would apply to the entire balance of the section there and that would include voting even to approve a bond issue.

VICE PRESIDENT HUTCHINSON: Mr. Allen.

MR. ALLEN: I would answer that, Mr. Powell, that I don't think you'll find a single city charter now in existence on bond issues which allows a nonproperty owner to vote. You would on the millage but not on the bond issues.

VICE PRESIDENT HUTCHINSON: Mr. Austin.

MR. AUSTIN: Mr. President and fellow delegates, I confess that I have an amendment in which seeks to strike this whole section, but I would urge that we vote in favor of Mr. Allen's amendment because it does offer a protection to charter units that they ought to have. I therefore urge the adoption of this amendment.

VICE PRESIDENT HUTCHINSON: Mr. William F. Hanna.

MR. W. F. HANNA: Mr. President and fellow delegates, I do not believe the Allen amendment is necesary because it says, in the language on lines 35, 36 and 37, "which involves the increase of any ad valorem tax rate limitation. . . ." Now, when you get over to the taxation article, Mr. Allen, you will find that you are exempt from the 15 mill limitation, and it's only when you will involve the increase of any ad valorem tax limitation. As to those falling within the 15 mills, the statute of ad valorem taxation is the 15 mills. The exception in the 15 mill limitation section in taxation falls and excepts those having charters, and over there we have excepted from this the charter township, city, village, and so forth.

I do not believe your amendment is necessary because of the word "any" in line 36. It covers any tax limitation that may exist. I'm sure it means any state law, constitutional provision, city charter, and so forth. Once you try to exceed that limitation, then you must. But it does not cover the amendment of the charter which you are talking about. I do not believe your amendment is at all necessary.

VICE PRESIDENT HUTCHINSON: Mr. Staiger.

MR. STAIGER: This provision for the 5 year limit or anything over 5 years having a vote of property owners, at one time was considered in the 15 mill limitation itself in the finance and taxation committee. If it had gone in there, then this problem wouldn't be before us now. It was decided, however, to place it over in the election section on the bonding requirements and when we did that — and I never heard any discussion, in finance and taxation or anywhere else, of this possible effect that it would have on charters. If it would have been over the 15 mill, then the charter exception would have applied. Now, however, with the broad language of "any ad valorem tax rate limitation" in this, I think that it would apply to any tax rate limitation and would restrict cities and other charter units which was not intended. I therefore support the Allen amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Allen, which has been read. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

MR. BUBACK: Division.

VICE PRESIDENT HUTCHINSON: A division is called for. Is the demand for a division supported? It is supported; 10 or more up. All those in favor of the Allen amendment will

vote aye. Those opposed will vote no. Have you all voted? The secretary will lock the machine and record the total.

SECRETARY CHASE: On the amendment offered by Mr. Allen, the yeas are 55; the nays are 66.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted.

SECRETARY CHASE: Messrs. Buback, Baginski and Downs offer the following amendment:

1. Amend article II, section 4 (first column, line 15) after "voting.", by striking out the balance of the section; which reads:

> No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

VICE PRESIDENT HUTCHINSON: Mr. Buback.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: I would move to limit debate on this amendment to 5 minutes.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen moves to limit debate to 5 minutes. All those in favor will say aye. Opposed, say no.

The motion prevails. The Chair recognizes Mr. Buback.

MR. BUBACK: Mr. President and fellow delegates, I urge adoption of this amendment due to the fact that I don't think this should be in the constitution. I think it's a legislative matter. I think that by precluding it — I think that this should absolutely be out of the constitution because I think it's a legislative matter and therefore shouldn't be in the constitution.

VICE PRESIDENT HUTCHINSON: Mr. Downs:

MR. DOWNS: Mr. President, before speaking, I'd like to make a parliamentary inquiry of clarification. I believe when the convention started, I understood the president to rule that after we had read all 12 articles on third reading there still would be an opportunity to present an amendment or a substitute article to any or all 12 articles. Is that correct?

VICE PRESIDENT HUTCHINSON: The present constitution directs that there has to be a vote upon the entire document which, under our present schedule, is scheduled for next Friday. At that time, or whenever we get to it, before that vote is taken, there is an opportunity for any amendment to the body of the constitution, of course.

MR. DOWNS: And any amendment includes to strike or insert for an entire article; is that correct?

VICE PRESIDENT HUTCHINSON: That's an amendment, all right. Of course, the Chair is not wanting to commit the Chair in advance to anything. You might offer an amendment which might be ruled to be improper for some reason or other, but as a general proposition, the subject will be open for proper amendments at that time.

MR. DOWNS: All right, then, just one other question. If, for example, this amendment — then the amendment can be offered — I'm sorry. I have my ruling. I'm going to quit while I'm ahead. Thank you, Mr. President. (laughter)

I would like to speak in favor of the amendment to strike this sentence. I think we have a rather anomalous situation where a filing fee is used if the candidate who wished to use the designation could, by simply filing a relative with the same name, get the use of the designation. I am inclined to think that the voters should be the ones that make the decision whether they wish to retain or reject the incumbent and I therefore believe this sentence should not be in the constitution and urge adoption of the amendment.

VICE PRESIDENT: Mr. Kuhn.

MR. KUHN: Mr. President, first I'd like to raise a point of order that this amendment is out of order, since it was acted on on second reading. And the Chair has ruled previously that even an amendment to strike would be out of order if it was passed by the convention.

VICE PRESIDENT HUTCHINSON: Will you give us the citation, please, Mr. Kuhn?

MR. KUHN: Of the Chair's ruling?

VICE PRESIDENT HUTCHINSON: Will you give us the citation?

MR. KUHN: What citation are you looking for?

VICE PRESIDENT HUTCHINSON: You say that this amendment is not in order. You state it is not in order because it has been previously considered. Is that right?

MR. KUHN: Right. I'd have to look that up. I believe, Mr. President, on page 909 of our journal this amendment was adopted by a roll call vote of 92 to 24.

VICE PRESIDENT HUTCHINSON: We'll get the journal and check it. Was that in committee of the whole, Mr. Kuhn?

MR. KUHN: Yes, it was, I believe.

VICE PRESIDENT HUTCHINSON: Then the amendment would still be in order, if it was in committee of the whole.

MR. KUHN: Yes, it was in committee of the whole.

VICE PRESIDENT HUTCHINSON: Very well. Then the Chair will overrule the point. Mr. Kuhn.

MR. KUHN: Mr. President, then definitely I would like to oppose this amendment. This would do away with some of the great work that has been done by this convention. As I have just read to you, this language was adopted on a vote of 92 to 24. The Lansing State Journal praised the convention for its good work in this line. This will be something that will make our legislature more responsive to the will of the people in their districts. As we pointed out, this reduced the amount of defeats of incumbent legislators from a high of 11 to a low of 3 in the 1960 elections; this is something that is really necessary. And I think the fact that it got 92 votes on that night when it first was brought up indicates that the convention saw the wisdom in this provision. I very strongly urge this convention to vote down this amendment and leave it in as it is today: that the legislature shall not provide ballot designation for themselves.

As was pointed out in committee of the whole, the legislature did not see fit to give it to the county officials, to township officials, or to any state officials; this statute was merely one to take care of themselves, to perpetuate themselves in office. Now, we have given a blanket prohibition against this for any partisan candidate. So we are not looking just at the legislature but we're taking care of all state officials as well as county and township officials. And I strongly urge you to defeat this amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Messrs. Buback, Baginski and Downs, which has been read. All those in favor will say aye. Opposed will say no.

The amendment is not adopted.

MR. BAGINSKI: Mr. President, I demand the yeas and nays.

VICE PRESIDENT HUTCHINSON: The yeas and nays are demanded. Is the demand supported?

SECRETARY CHASE: Sixteen.

VICE PRESIDENT HUTCHINSON: Not a sufficient number up. The ruling of the Chair is that the amendment was not adopted.

MR. DOWNS: I have a point of information.

VICE PRESIDENT HUTCHINSON: State the point.

MR. DOWNS: May this be put in on the final day again before we finally act?

VICE PRESIDENT HUTCHINSON: It may not.

SECRETARY CHASE: Messrs. Wanger and Kuhn offer the following amendment:

1. Amend article II, section 9, paragraph 5 (first column, line 6) after "or" by inserting "unless a smaller number is provided in said law, by"; so the language will then read, going back to the beginning of the sentence at the bottom of the previous page:

> No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors or unless a smaller number is provided in said law, by three-fourths of the members elected to and serving in each house of the legislature.

first got to be voters in the district involved before they have any qualification to vote at all. I don't think that there's much chance that this section is going to be deleted. Let's think very carefully and then vote against this pending amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the amendment offered by Mr. Austin and Mr. Downs.

MR. FAXON: The yeas and nays.

VICE PRESIDENT HUTCHINSON: Mr. Faxon demands the yeas and nays on the amendment. Is the demand supported?

SECRETARY CHASE: Twenty-eight.

VICE PRESIDENT HUTCHINSON: That's a sufficient number up. The yeas and nays are ordered. All those in favor of the amendment will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—34

Austin	Hart, Miss	Nord
Balcer	Hodges	Norris
Barthwell	Jones	Ostrow
Binkowski	King	Pellow
Bradley	Krolikowski	Perlich
Buback	Lesinski	Pollock
Cushman, Mrs.	Madar	Romney
Downs	Mahinske	Snyder
Elliott, Mrs. Daisy	Marshall	Thomson
Faxon	McCauley	Walker
Follo	Murphy	Young
Garvin		

Nays—83

Allen	Hatch	Richards, L. W.
Anspach	Heideman	Rush
Batchelor	Higgs	Sablich
Beaman	Howes	Seyferth
Bentley	Hoxie	Shackleton
Blandford	Hubbs	Shaffer
Boothby	Iverson	Shanahan
Brake	Judd, Mrs.	Sharpe
Brown, G. E.	Karn	Sleder
Butler, Mrs.	Kirk, S.	Spitler
Cudlip	Koeze, Mrs.	Stafseth
Danhof	Kuhn	Staiger
Dehnke	Lawrence	Stamm
Dell	Leibrand	Sterrett
Donnelly, Miss	Leppien	Stevens
Doty, Dean	Martin	Stopczynski
Doty, Donald	McAllister	Suzore
Durst	McLogan	Tubbs
Erickson	Millard	Turner
Everett	Mosier	Tweedie
Farnsworth	Page	Upton
Figy	Perras	Van Dusen
Finch	Plank	Wanger
Gadola	Powell	White
Goebel	Prettie	Wood
Gover	Pugsley	Woolfenden
Hannah, J. A.	Rajkovich	Yeager
Haskill	Richards, J. B.	

SECRETARY CHASE: On the amendment offered by Messrs. Austin and Downs, the yeas are 34; the nays are 83.

VICE PRESIDENT HUTCHINSON: The amendment is not adopted. The question is upon the passage of article II. Mr. Downs.

MR. DOWNS: Are there any other amendments?

VICE PRESIDENT HUTCHINSON: There are none.

MR. DOWNS: Are we now prepared to vote on the entire article?

VICE PRESIDENT HUTCHINSON: That is the question before the house, Mr. Downs.

MR. DOWNS: Mr. President, sometimes these get up on us kind of quick after we've had a series of amendments. I wanted to be sure I was in order to speak on the entire article. I wish to speak and urge a no vote on the entire article. I think the property qualification for voting is alone sufficient reason for warranting that and there are some other improvements that could be done. In urging a no vote, I wish to advise the fellow delegates that before the final action on this, I hope there will be a substitute article presented in due course which will give the delegates a positive alternative and one which I, for one, feel will be more in keeping with the needs of a twentieth century constitution. I therefore urge a no vote on article II.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: Mr. President, ladies and gentlemen of the convention, I have a question. In column 2, page 3, line 38, where it is talking about legislative action on initiative petitions presented to the legislature, it says this must be done within 40 days. I wonder if that shouldn't be 40 legislative days. Suppose this petition is presented the last day before the legislature adjourns, or while they're completely in recess?

VICE PRESIDENT HUTCHINSON: Mr. Brake, are you directing a question to a particular person?

MR. BRAKE: Yes, Dr. Pollock, please.

MR. POLLOCK: Mr. President, this was not before our committee as a substantive matter. I have not had an opportunity to point out to the delegates that the committee on style and drafting included the legislative initiative and referendum in the elections article. Heretofore it's been, I believe, in the committee on legislative powers. Interestingly enough, they did not include the initiative and referendum on constitutional amendments, which is in the article on amendment and revision. I haven't heretofore had the chance to ask for the rationale of including the initiative and referendum with the elections article without including all of it. Therefore, I'm not prepared to answer your question, although it seems to me your point is very well taken.

MR. BRAKE: Mr. President, may I offer from the floor as an amendment, that one word there, "legislative," — "within 40 legislative days."

MR. KUHN: Will the gentleman yield?

VICE PRESIDENT HUTCHINSON: Will the gentleman yield to Mr. Kuhn?

MR. BRAKE: Surely.

MR. KUHN: Mr. President, this was before our committee and this is the identical language that was in the last constitution, and this question did come up, and the answer is that the legislature, if it was not in session, could not receive the petition, and therefore, it was 40 legislative days. But if you'd like to offer this amendment, I wouldn't see any objection.

MR. BRAKE: Mr. President, Mr. Kuhn, what you said doesn't answer the proposition when the petition comes in the last day of the session, with no possible time to study it or to act on it. I think the amendment ought to be made, Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Staiger.

MR. STAIGER: I wonder if I could ask a question of Mr. Brake? As I understood you, you would amend it to add "legislative" days. In another section we had that term used and Professor Pierce, who was going over it in style and drafting with us, raised the question that a legislative day is a technical term which means something to the legislature in which they're able to extend longer than a "session" day, which was the word we used when we wanted to tie it down to days as we know them. Is this an accurate description, that there is something called a legislative day that can go longer than the normal 24 hours?

MR. BRAKE: I didn't so understand it, Mr. President, Mr. Staiger. I presume the president would be in better position to answer that than anybody else. I understand it to mean days in which the legislature is supposed to be in session, which means 5 days a week, ordinarily.

VICE PRESIDENT HUTCHINSON: The secretary will report the amendment now offered by Mr. Brake.

SECRETARY CHASE: Mr. Brake offers the following amendment:

1. Amend article II, section 9 (column 2, line 38) after "40" by inserting "legislative"; so the language will then read:

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or

amendment within 40 legislative days from the time such petition is received by the legislature.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: I wonder, in the light of Mr. Staiger's comment, whether Mr. Brake would accept "session" days instead of "legislative" days.

MR. WANGER: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Wanger.

MR. WANGER: I don't want to belabor this. I wonder if Mr. Brake would accept "regular session days" because, you see, if it's a special session, the days still run, but the legislature is powerless to act on any other subject but that stated in the governor's message or proclamation. So the time would run out even though the legislature would have no power whatsoever to act if a special session of longer than 40 days would intervene.

VICE PRESIDENT HUTCHINSON: Mr. Brake.

MR. BRAKE: I think not. Special sessions are short. That many days wouldn't hurt anything.

VICE PRESIDENT HUTCHINSON: The question is on the amendment offered by Mr. Brake to insert after the word "40" the word "session" on line 38, column 2. The secretary will report the amendment, as revised.

SECRETARY CHASE: The amendment now reads:

1. Amend article II, section 9, (column 2, line 38) after "40" by inserting "session"; so that sentence beginning in line 36 will read:

> Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature.

VICE PRESIDENT HUTCHINSON: All those in favor of the amendment, as revised, will say aye. Opposed will say no.

The amendment is adopted. The question is upon the passage of article II, elections, as now amended. Mr. Shanahan.

MR. SHANAHAN: Mr. President and fellow delegates, referring to section 3, I'm a little bit concerned if we are not doing something here that maybe is not exactly what we intend to do. The purpose is to enable the people who, for one reason or other, may be moving from one state to another to be able to vote for president and vice president but not necessarily otherwise — that is, for state or local offices. But in reading this, I'm very much concerned about the possibility of the interpretation of this disenfranchising people who might be obliged to be out of the state for some reason for a period that would be long enough to meet the voting resident requirements of another state. I refer particularly to the last sentence, where it says in very positive terms, "The legislature shall not permit voting by any person who meets the voting resident requirements of the state to which he has removed."

Now, I spent quite a few years in the service, in the navy, and there's about a 7 year period when I was essentially a resident of California. I never voted in California. I always maintained that my home was in Charlevoix, Michigan and voted by absent ballot. But I did meet the voting residence requirements of the state of California. Now, it might be argued that it wouldn't apply to me because I was in the navy, I was in the service. But what about my wife? I notice that style and drafting has removed the word "such" which might take away the curse of this particular sentence. I have a question I'd like to ask anyone who might be able to answer. How does a person lose Michigan citizenship and not be sent to jail or a mental institution and so forth? Would anyone care to answer that?

VICE PRESIDENT HUTCHINSON: Do you yield to Mr. Dehnke?

MR. SHANAHAN: I yield.

VICE PRESIDENT HUTCHINSON: Mr. Dehnke.

MR. DEHNKE: Mr. President, Mr. Shanahan, I don't think there's any basis for any such concern as has occurred to Mr. Shanahan. Merely leaving the state does not make him the citizen of another state. It requires not only a removal but an intention to abandon Michigan as his place of residence and to set up a residence in some other state. I don't think there's any reason for any fear of complications on that account. This merely means that when some person leaves Michigan with the intention of abandoning his Michigan residence, setting up a residence in some other state, then if he has been in that other state long enough to meet their requirements, he cannot be permitted to vote in Michigan under the first part of this section.

MR. SHANAHAN: Mr. President, thank you, Judge Dehnke. If that is the meaning of this, I am not concerned. If there is any question about it, I would like to be sure that it could be resolved, perhaps by style and drafting. Thank you.

VICE PRESIDENT HUTCHINSON: The question is on the passage of article II of the proposed constitution on elections. Mr. Stafseth.

MR. STAFSETH: May I raise one question of the chairman who handled section 6 of this article? It provides that only qualified electors shall vote. Then when we get down to line 45 and 46, it makes an exception and says, "or the lawful husbands or wives." The reason I raise that question, the husband or the wife may be a qualified voter, but his or her spouse could be an alien even to this country.

MR. STEVENS: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Stevens.

MR. STEVENS: There is no change in this from the language in the present constitution and such a person could not vote anyway if he or she did not have the other necessary qualifications of residence, age and citizenship.

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of article II. All those in favor will vote aye. Those opposed will vote no. Have you all voted? If so, the secretary will lock the machine and record the vote.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Hannah, J. A.	Rajkovich
Andrus, Miss	Haskill	Richards, J. B.
Anspach	Hatch	Richards, L. W.
Balcer	Heideman	Romney
Barthwell	Higgs	Rush
Batchelor	Howes	Sablich
Beaman	Hoxie	Seyferth
Bentley	Hutchinson	Shackleton
Blandford	Iverson	Shaffer
Brake	Judd, Mrs.	Shanahan
Brown, G. E.	Karn	Sharpe
Butler, Mrs.	King	Sleder
Cudlip	Kirk, S.	Spitler
Cushman, Mrs.	Koeze, Mrs.	Stafseth
Dade	Kuhn	Staiger
Danhof	Lawrence	Stamm
Dehnke	Leibrand	Sterrett
Dell	Leppien	Stevens
DeVries	Lesinski	Stopczynski
Donnelly, Miss	Martin	Suzore
Doty, Dean	McCauley	Thomson
Doty, Donald	McGowan, Miss	Tubbs
Durst	McLogan	Turner
Elliott, A. G.	Millard	Tweedie
Erickson	Mosier	Upton
Everett	Page	Van Dusen
Farnsworth	Perras	Wanger
Figy	Plank	White
Gadola	Pollock	Wilkowski
Goebel	Powell	Wood
Gover	Prettie	Woolfenden
Gust	Pugsley	Yeager
Hanna, W. F.	Radka	

Nays—33

Austin	Garvin	McAllister
Baginski	Greene	Murphy
Binkowski	Hart, Miss	Nord
Boothby	Hatcher, Mrs.	Norris
Bradley	Hodges	Ostrow
Buback	Hubbs	Pellow
Downs	Jones	Perlich
Elliott, Mrs. Daisy	Krolikowski	Snyder
Faxon	Madar	Walker

Finch	Mahinske	Young
Follo	Marshall	Youngblood

SECRETARY CHASE: On the passage of article II, as amended, the yeas are 98; the nays are 33.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted therefor, **article II**, as amended, is passed.

For sections 1, 2, 3, 4, 5, 7 and 8 of article II as passed, see above, page 3048.

Following is section 6 of article II, as amended and passed:

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Following is section 9 of article II, as amended and passed:

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

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

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

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.

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

The legislature shall implement the provisions of this section.

Following is explanation of vote submitted by Messrs. Austin, Garvin, Greene, Bradley, Baginski, Buback, Downs, Faxon, Nord, Marshall, Young, Mrs. Daisy Elliott, Mrs. Hatcher and Miss Hart:

We voted against article II. This article includes property qualifications for some elections, which are contrary to our tradition of an expanded franchise.

This also fails to make the initiative a practical help to voters by lowering the requirement for petitioning. The initiative procedure should be more clearly defined.

The portion that attempts to eliminate designation for incumbents defeats itself by permitting designation if there is a similar named candidate. The voter should be allowed to know who the incumbent is.

We further believe the voting age should be lowered from 21 to 18.

Following is explanation of vote submitted by Mr. Madar:

I voted against article II because this article includes property qualifications for some elections, which are contrary to our tradition of an expanded franchise.

This also fails to make the initiative a practical help to voters by lowering the requirement for petitioning. The initiative procedure should be more clearly defined.

Following is explanation of vote submitted by Mr. Hubbs:

I voted no on third reading of article II on elections because 2 important factors were not included. I favor a closed primary election system. I also do not believe that people who are not property owners should have the right to vote to increase millage as is provided in the new constitution as well as the 1908 constitution. We had an opportunity to make these 2 improvements and did not make them.

Following is explanation of vote submitted by Mr. Finch:

I voted no on article II because I object to a portion of section 6.

I believe that only property owners or their spouses should have the right to vote on proposals which will increase millage or on bond issues which will raise property taxes.

VICE PRESIDENT HUTCHINSON (continuing): Mr. Woolfenden.

MR. WOOLFENDEN: Mr. President, it's my understanding that the Chair's ruling earlier that article I should be put over until tomorrow was based upon the fact that the committee on style and drafting, under rule 53, had given notice for reconsideration in order to propose an amendment to article I, and therefore I now move that unanimous consent be given to suspending the rules to permit the committee on style and drafting at this time to proceed with its motion for reconsideration in order that article I can then be considered. I move that the rules be suspended so that the committee on style and drafting can proceed at this time with its motion for reconsideration.

VICE PRESIDENT HUTCHINSON: Are you asking for unanimous consent or are you moving for suspension of the rules?

MR. WOOLFENDEN: Well, I am agreeable to either, but I was moving for —

VICE PRESIDENT HUTCHINSON: All right. The Chair will put it this way, then: Mr. Woolfenden moves that the rules be suspended. Is there objection?

The Chair hears no objection. The rules are suspended to permit the committee on style and drafting to —

A DELEGATE: I object.

VICE PRESIDENT HUTCHINSON: Objection is heard.

VICE PRESIDENT HUTCHINSON: A majority of the delegates elect having voted therefor, the **schedule and temporary provisions,** as amended, are adopted and passed.

For sections 1, 2, 3, 4, 5 and 7 through 17 of the schedule and temporary provisions as passed, see above, page 3073.

Following is section 6 of the schedule and temporary provisions as amended and passed:

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Article IV, Section 2 after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, unless the legislature by joint resolution shall give prior effect to said Article IV, Section 2, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divided by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution.

VICE PRESIDENT HUTCHINSON (continuing): Reports of standing committees.

MR. VAN DUSEN: Mr. President.

VICE PRESIDENT HUTCHINSON: Mr. Van Dusen.

MR. VAN DUSEN: Before we take reports of standing committees, I would like to move that the constitution as now adopted be referred to the committee on style and drafting, so that it may have an opportunity to review it tomorrow.

VICE PRESIDENT HUTCHINSON: That is under the rules, isn't it?

MR. VAN DUSEN: I don't think there is anything in the rules that provides for it. It is one of the omissions of the rules.

MR. DOWNS: Point of order, Mr. President.

VICE PRESIDENT HUTCHINSON: What's the point, Mr. Downs?

MR. DOWNS: I believe the point would be the articles are adopted and not the constitution is adopted; since we have not voted on the entire package.

MR. VAN DUSEN: I will accept Mr. Downs' amendment, Mr. President.

MR. DOWNS: Mine is not an amendment, but if you wish to restate the motion, it would be in order; (laughter) or I will make it as an amendment.

VICE PRESIDENT HUTCHINSON: The question is upon the motion of Mr. Van Dusen to refer to the committee on style and drafting the several articles which have been adopted. All those in favor will say aye. Opposed, no.

The motion prevails and the **preamble,** the **articles** and the **schedule and temporary provisions,** as amended, are referred to the committee on style and drafting.

For the preamble, articles and schedule and temporary provisions as referred to the committee on style and drafting, see as follows:

Preamble, page 3047.

Article I, sections 1, 3 through 23, page 3047.

Article I, section 2, as amended, page 3098.

Article II, sections 1 through 5, 7 and 8, page 3048.

Article II, section 6, as amended, page 3087; section 9, as amended, page 3087.

Article III, sections 1 through 8, page 3050.

Article IV, sections 1, 2, 3, 5, 7 through 11, 13 through 17, 19 through 53, page 3051.

Article IV, section 4, as amended, page 3115; section 6, as amended, page 3115; section 12, as amended, page 3116; section 18, as amended, page 3116.

Article V, sections 1 through 8, 10 through 27, page 3057.

Article V, section 9, as amended, page 3124; section 28, as amended, page 3125.

Article VI, sections 1 through 7, 9 through 25, 27, 28 and 29, page 3060.

Article VI, section 8, as amended, page 3139; section 26, as amended, page 3140.

Article VII, sections 1 through 33, page 3063.

Article VIII, sections 1 through 9, page 3065.

Article IX, sections 1, 2, 3, 5, 7 through 10, 12 through 17, 20 through 24, page 3067.

Article IX, section 4, as amended, page 3186; section 6, as amended, page 3186; section 11, as amended, page 3186; section 18, as amended, page 3186; section 19, as amended, page 3186.

Article X, sections 3 through 6, page 3069.

Article X, section 1, as amended, page 3154; section 2, as amended, page 3154.

Article XI, sections 1 through 7, 9 through 12, and 14, page 3070.

Article XI, section 8, as amended, page 3198; section 13, as amended, page 3918.

Article XII, section 1, page 3072.

Article XII, section 2, as amended, page 3205; section 3, as amended, page 3206.

Schedule and temporary provisions, sections 1 through 5, 7 through 71, page 3073.

Schedule and temporary provisions, section 6, as amended, see above.

VICE PRESIDENT HUTCHINSON (continuing): Without objection, we will return to the order of **reports of standing committees.**

SECRETARY CHASE: The committee on rules and resolutions, by Mr. Van Dusen, chairman, submits the following report —

MR. VAN DUSEN: Mr. Secretary, could you read Resolution 96 first?

SECRETARY CHASE: The committee on rules and resolutions, by Mr. Van Dusen, chairman, reports back to the convention **Resolution 96,** A resolution authorizing and directing the commencement of an action against the secretary of state seeking a declaration of the right of the convention to require the submission of the proposed new constitution to the electors in November, 1962; without amendment and with the recommendation that the resolution be adopted.

R. C. Van Dusen, chairman.

The resolution is as follows:

[The resolution was read by the secretary. For text, see above, page 3046.]

VICE PRESIDENT HUTCHINSON: The question is upon the adoption of the resolution. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, the convention has just adopted a provision of the schedule of the constitution directing the submission of the new constitution to the voters at the election to be held November 6, 1962. The secretary of state has advised the president of this convention in writing that he will not comply with the direction of the convention, that he is bound by the opinion of the attorney general that the appropriate time for submission is April, 1963. Consequently, we are confronted with a collision between the action of this convention and the opinion of the attorney general which the secretary of state says he must follow.

If this matter is to be resolved, it must be resolved by the courts of this state. The select committee appointed by the president to consider this matter, as you know, took no position on the policy question of when the proposed constitution should be submitted but has, in anticipation of the action which the convention has now taken, adopted and recommended to the convention the resolution which the secretary has just read, which will implement that decision insofar as it is legally possible to do so.

The course of action contemplated by the resolution is the commencement of an action in the circuit court for Ingham county

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

Article I

Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

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

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit,

either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

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. 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.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article II
Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors which involves the increase of any ad valorem tax rate limitation for a period of more than five years, or the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four

members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

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

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

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

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.

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

The legislature shall implement the provisions of this section.

Article III
General Government

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

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.

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

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

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

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

Sec. 7. The common law and the statute laws now in force, not repugnant to this consti-

tution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

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

Article IV
Legislative Branch

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

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 an apportionment factor 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 senate districts 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.

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.

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 dis-

trict 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.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

Sec. 6. A commission on legislative apportionment is hereby established consisting of eight persons, 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 member of the commission shall be selected by each political party organization from each of the following four regions: (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 apportionment 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.

Sec. 7. Each senator and representative must be a citizen of the United States, at least 21 years of age, and an elector of the district he represents. The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office under the United States or this state or a political subdivision thereof, except notaries public and officers of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected to the legislature shall receive any civil appointment within this

state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

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.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. Each committee shall by roll call vote record the vote and name of all action on bills and resolutions taken in the committee. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security 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 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.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each

house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he does not approve, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

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.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

Sec. 37. The legislature may by concurrent resolution empower a joint committee of the legislature acting between sessions to suspend until the end of the next regular legislative session any rule or regulation of an administrative agency promulgated when the legislature is not in regular session.

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always

be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

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.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

Article V
Executive Branch

Sec. 1. The executive power is vested in the governor.

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.

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 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.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

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.

Sec. 5. At no time shall an examining or licensing board of a profession include less than a majority of members of that profession.

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons

therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

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

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

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

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote except in case of equal division. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction

and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

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.

Article VI
Judicial Branch

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 other courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform other duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

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.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The

supreme court may prescribe by rule that the court of appeals may sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not 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.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

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 shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased, but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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 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.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

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.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

Article VII
Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county

clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley, or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Article VIII
Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the university of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs, and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, cities and townships for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

Article IX
Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by nonprofit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature, and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for the support of public education and school

employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

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

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money

shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

Article X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. The amount of compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

Article XI
Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legis-

lature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursments for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. 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.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected and serving shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evi-

dence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

Article XII
Amendment & Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which 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 ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. The governor shall appoint a qualified resident of the same district to fill a vacancy in the office of any delegate who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the

journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general, and state senators shall be elected at the general election in 1964 to serve for two year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. The state shall be districted for the purpose of electing senators in accordance with the provisions of Section 2 of Article IV of this constitution, after the official publication of the total population count of the 1970 decennial federal census. Until the apportionment of the senate following the 1970 census, the senatorial districts under the 1908 constitution shall remain intact except that upon the adoption of this constitution each of the counties of Kent, Genesee, Macomb and Oakland shall be divide by the apportionment commission into two senatorial districts and Wayne county into eight senatorial districts in accordance with this constitution. The legislature may give prior effect to Section 2 of Article IV of this constitution, which action shall not be subject to veto by the governor.

Sec. 7. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 8. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 9. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 10. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The State Board of Education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 11. The provisions of this constitution providing for members of boards of control of institutions of higher education and the State Board of Public Community and Junior Colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be

extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 12. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 13. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 14. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 15. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 16. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, 1962. It shall be the duty of the secretary of state forthwith to give notice of such submission to all other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 17. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

against the secretary of state, by Mr. Van Dusen, chairman, submits the following report:

In accordance with Resolution 96, the committee on action against secretary of state on May 14, 1962, filed with the circuit court for the county of Ingham, a petition for declaration of rights in an action entitled, Stephen S. Nisbet, President of the Michigan Constitutional Convention of 1961-1962 v. James M. Hare, Secretary of State. The relief sought was a declaration that the convention has the right to provide for submission of the proposed new constitution to the electors at the general election to be held November 6, 1962. The summons and petition were served on the secretary of state on the same day.

On May 22, having had no response from the attorney general, petitioner filed a motion for the entry of a decree. On May 25, the secretary of state appeared specially by the attorney general and moved to dismiss the petition on the ground that the case did not present an actual controversy. The trial court heard argument on the attorney general's motion on June 1 and on June 6 rendered an opinion denying the motion to dismiss. An order to that effect was entered on June 11.

Instead of proceeding to file an answer, the attorney general then filed an application to the supreme court for leave to appeal. This application was granted by the supreme court and the attorney general, on July 2, filed a claim of appeal.

The attorney general has not yet filed a brief and he states that he does not intend to do so until after August 7.

It is obvious that no judicial determination of the right of the constitutional convention to require submission of the proposed constitution to the electors on November 6 will be made in time to be useful to the convention. Accordingly, the committee recommends:

1) That section 15 [formerly section 16] of the schedule and temporary provisions of the proposed constitution be amended by striking from the first sentence the words "Tuesday after the first Monday of November, 1962" and inserting "first Monday in April, 1963."

2) That the committee be authorized to discontinue the action entitled, Nisbet v. Hare.

Richard C. Van Dusen, chairman.

MR. VAN DUSEN: Mr. President, I move the adoption of the report.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that the report be adopted. Those in favor will say aye. Opposed, no.

The report is adopted. Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, in compliance with our rules, I think it would now be necessary to take a roll call vote on the amendment to the constitution changing the date.

PRESIDENT NISBET: Mr. Chase will read the amendment.

SECRETARY CHASE: The amendment recommended in the report is as follows:

1. Amend the schedule, section 15 [formerly section 16] (column 2) line 11, after "held on the" by striking out "Tuesday after the first Monday of November, 1962.", and inserting "first Monday in April, 1963.".

PRESIDENT NISBET: The secretary will call the roll. Those in favor of the amendment will vote aye as your name is called. Those opposed will vote no.

The roll was called and the delegates voted as follows:

Yeas—141

Allen	Goebel	Page
Andrus, Miss	Gover	Pellow
Anspach	Greene	Perlich
Austin	Gust	Perras
Baginski	Habermehl	Plank
Balcer	Hanna, W. F.	Pollock
Barthwell	Hannah, J. A.	Powell
Batchelor	Hart, Miss	Prettie
Beaman	Haskill	Pugsley
Bentley	Hatch	Radka
Binkowski	Hatcher, Mrs.	Rajkovich
Blandford	Heideman	Richards, J. B.
Bledsoe	Higgs	Richards, L. W.
Bonisteel	Hood	Romney
Boothby	Howes	Rood
Bowens	Hoxie	Rush
Bradley	Hubbs	Sablich
Brake	Hutchinson	Seyferth
Brown, G. E.	Iverson	Shackleton
Brown, T. S.	Jones	Shaffer
Buback	Judd, Mrs.	Shanahan
Butler, Mrs.	Karn	Sharpe
Conklin, Mrs.	Kelsey	Sleder
Cudlip	Kirk, S.	Snyder
Cushman, Mrs.	Knirk, B.	Spitler
Danhof	Koeze, Mrs.	Stafseth
Dehnke	Krolikowski	Staiger
Dell	Kuhn	Stamm
DeVries	Lawrence	Sterrett
Donnelly, Miss	Leibrand	Stevens
Doty, Dean	Leppien	Stopczynski
Doty, Donald	Lesinski	Suzore
Douglas	Liberato	Thomson
Downs	Madar	Tubbs
Durst	Mahinske	Turner
Elliott, A. G.	Martin	Tweedie
Elliott, Mrs. Daisy	McAllister	Upton
Erickson	McCauley	Van Dusen
Everett	McGowan, Miss	Walker
Farnsworth	McLogan	Wanger
Faxon	Millard	White
Figy	Mosier	Wilkowski
Finch	Murphy	Wood
Follo	Nisbet	Woolfenden
Ford	Nord	Yeager
Gadola	Norris	Young
Garvin	Ostrow	Youngblood

Nays—0

SECRETARY CHASE: On the adoption of the amendment, the yeas are 141; the nays are none.

PRESIDENT NISBET: The amendment is adopted. The question now is on the **final passage of the constitution as amended** this morning. Those who are in favor will answer aye as your names are called. Those opposed will answer nay. The secretary will call the roll.

The roll was called and the delegates voted as follows:

Yeas—98

Allen	Gover	Powell
Andrus, Miss	Gust	Prettie
Anspach	Habermehl	Pugsley
Balcer	Hanna, W. F.	Radka
Batchelor	Hannah, J. A.	Rajkovich
Beaman	Haskill	Richards, J. B.
Bentley	Hatch	Richards, L. W
Blandford	Heideman	Romney
Bonisteel	Higgs	Rood
Boothby	Howes	Rush
Brake	Hoxie	Seyferth
Brown, G. E.	Hubbs	Shackleton
Butler, Mrs.	Hutchinson	Shaffer
Conklin, Mrs.	Iverson	Sharpe
Cudlip	Judd, Mrs.	Sleder
Cushman, Mrs.	Karn	Spitler
Danhof	Kirk, S.	Stafseth
Dehnke	Knirk, B.	Staiger
Dell	Koeze, Mrs.	Stamm
DeVries	Kuhn	Sterrett
Donnelly, Miss	Lawrence	Stevens
Doty, Dean	Leppien	Thomson
Doty, Donald	Martin	Tubbs
Durst	McCauley	Turner
Elliott, A. G.	McGowan, Miss	Tweedie
Erickson	McLogan	Upton
Everett	Millard	Van Dusen
Farnsworth	Mosier	Wanger
Figy	Nisbet	White
Finch	Page	Wood

Follo	Perras	Woolfenden
Gadola	Plank	Yeager
Goebel	Pollock	

Nays—43

Austin	Greene	Nord
Baginski	Hart, Miss	Norris
Barthwell	Hatcher, Mrs.	Ostrow
Binkowski	Hood	Pellow
Bledsoe	Jones	Perlich
Bowens	Kelsey	Sablich
Bradley	Krolikowski	Shanahan
Brown, T. S.	Leibrand	Snyder
Buback	Lesinski	Stopczynski
Douglas	Liberato	Suzore
Downs	Madar	Walker
Elliott, Mrs. Daisy	Mahinske	Wilkowski
Faxon	McAllister	Young
Ford	Murphy	Youngblood
Garvin		

SECRETARY CHASE: On the adoption of the constitution as amended, the yeas are 98; the nays are 43. (applause)

PRESIDENT NISBET: The **constitution** is adopted.

For the constitution as adopted, see below, page 3317.

Because of the hour, it being almost noon, the Chair recognizes Mr. Van Dusen.

MR. VAN DUSEN: Mr. President, I move that the convention now stand in recess until 2:00 p.m.

PRESIDENT NISBET: The question is on the motion of Mr. Van Dusen that we recess until 2:00 p.m. Those in favor will say aye. Opposed, no.

The motion prevails. We are recessed until 2:00 o'clock.

[Whereupon, at 11:50 o'clock a.m., the convention recessed; and, at 2:00 o'clock p.m., reconvened.]

Will the delegates please take their seats. The convention will please come to order.

SECRETARY CHASE: Mr. President, a quorum of the convention is present.

PRESIDENT NISBET: I think we should recognize the fact that many of our employees are voluntarily back with us today, meeting with the delegates. I'm sure all of us are very happy to have them here. It brings about a happy result to see them and I think we ought to give them a good hand. (applause) Mr. Chase has an announcement.

SECRETARY CHASE: There are 3 announcements that possibly should have been made before we recessed for lunch.

First, there is mail for all of the delegates in the mail room downstairs.

Just prior to the May 11 adjournment, several of the delegates took out, on loan, sets of convention slides which have not been returned. Missing from our files are 12 complete sets of slides. Since we frequently have call from other delegates for the use of these slides, we would appreciate their return as soon as possible. Ink White, chairman of the committee on public information.

I am sure the delegates recall the lady on the civic center staff who took such good care of keeping the windows clean and the place well slicked up, who had to go to the hospital for a very critical operation. A number of the delegates contributed to a fund to help her over her financial difficulties. I have the following card:

> It is very difficult to express my appreciation to all the wonderful people of con con. Let me say, with my heart, your kindness and generosity will always be remembered.
>
> Sincerely,
> Freda Adams.

PRESIDENT NISBET: Since the adjournment on May 11, we have added 2 new associate members to the delegation: Mrs. Charles Follo and Mrs. Gil Wanger.

I asked Charlie if Mrs. Follo was present so that he might present her, but he said she isn't. We are sorry, Charlie, she couldn't be with us.

Mr. Wanger, is your associate delegate present? Would you present her?

[Whereupon, the delegates accorded Mrs. Wanger a standing ovation.]

At the final session before the long recess the president was authorized to name a reunion committee for the constitutional convention. Accordingly, the **president appoints,** as members of the reunion committee: Mr. Erickson, Mrs. Koeze, Messrs. Jones, Bowens, Brake, Mrs. Conklin, Mr. Dean Doty, Mrs. Daisy Elliott, Messrs. Faxon, Kelsey, Kuhn, Powell, Sharpe, Wanger, White and Norris.

Without objection, the appointments are approved. You will notice that most of these delegates are within the area of Lansing, Detroit or Grand Rapids for their ease in getting together when they have to meet. Mr. Claud Erickson is chairman of the committee.

Returning to the order of business, **approval of address to people.** We will take up the **report of the committee on public information.** Mr. White, chairman.

MR. WHITE: Mr. President, under date of June 26, 1962, each delegate was mailed proof copies of the proposed address to the people. Since that time our committee has received numerous suggestions for corrections, additions, deletions and so on. Our committee has met and gone over these suggestions and they have been, for the most part, agreed to. I might say, parenthetically, the address in its present corrected form represents the writing and editing of upwards of 50 of our delegates.

Under date of July 27, 1962, each of you was mailed a 16 page multilith report which outlined in detail some 108 corrections. This communication also carried the recommendation that we be authorized to correct the text of the constitution as it appears in the address to conform with the style and drafting changes adopted at today's session, and to offer comments accordingly, if necessary. All of this material has been delivered again to each delegate's desk today. Additionally, you have a single white multilith sheet from our committee containing brief addenda to this 16 page report.

It seems to me, Mr. President, the delegates have had ample time to consider these matters, and to expedite our final deliberations, I move that the report of the public information committee, with the recommended addenda, be considered read.

PRESIDENT NISBET: Without objection, it is so ordered.

Following is the report as submitted and considered read:

After careful consideration of suggestions from delegates, your committee on public information recommends the adoption of the following changes in the proof copy of the address to the people:

For document incorporating following changes, see below, page 3355. Page numbers in report refer to document pages.

1. Amend page 2, second full paragraph, line 3, after "that one" by striking out "must" and inserting "should"; to improve phraseology.

2. Amend page 2, third full paragraph, line 1, by striking out "Ordered by popular vote, its delegates selected by the people on the basis of one from each senatorial and representative district, the Constitutional Convention of 1961-62 met in Lansing on October 3, 1961.", and inserting "The convention was ordered by popular vote in April of 1961. There were 144 delegates, representing Michigan's 34 State Senatorial districts and 110 State Representative seats. They were elected in statewide voting on September 12, 1961, and convened at Lansing on October 3, 1961."; to improve awkward sentence construction and correct error by indicating "seats" rather than representative "districts."

3. Amend page 2, fifth full paragraph, line 2, after "overlapped" by striking out "each other"; to improve phraseology.

4. Amend page 2, fifth full paragraph, line 6, after

CONSTITUTION
OF THE
STATE OF MICHIGAN

as finally adopted
by the Convention
August 1, 1962

PREAMBLE

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I

Declaration of Rights

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

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

Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

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

Sec. 6. Every person has a right to keep and bear arms for the defense of himself and the state.

Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

Sec. 11. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

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. 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.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE II

Elections

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Sec. 2. The legislature may by law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Sec. 3. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed.

Sec. 4. The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Sec. 8. Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.

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

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

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

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.

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

The legislature shall implement the provisions of this section.

ARTICLE III

General Government

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

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.

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

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

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

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

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

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

ARTICLE IV

Legislative Branch

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

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.

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.

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.

Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

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.

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.

Sec. 7. Each senator and representative must be a citizen of the United States, at least 21 years of age, and an elector of the district he represents. The removal of his domicile from the district shall be deemed a vacation of the office. No person who has been convicted of subversion or who has within the preceding 20 years been convicted of a felony involving a breach of public trust shall be eligible for either house of the legislature.

Sec. 8. No person holding any office, employment or position under the United States or this state or a political subdivision thereof, except notaries public and members of the armed forces reserve, may be a member of either house of the legislature.

Sec. 9. No person elected to the legislature shall receive any civil appointment within this state from the governor, except notaries public, from the legislature, or from any other state authority, during the term for which he is elected.

Sec. 10. No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Sec. 11. Senators and representatives shall be privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof. They shall not be questioned in any other place for any speech in either house.

Sec. 12. The compensation and expense allowances of the members of the legislature shall be determined by law. Changes in compensation or expense allowances shall become effective only when legislators commence their terms of office after a general election.

Sec. 13. The legislature shall meet at the seat of government on the second Wednesday in January of each year at twelve o'clock noon. Each regular session shall adjourn without day, on a day determined by concurrent resolution, at twelve o'clock noon. Any business, bill or joint resolution pending at the final adjournment of a regular session held in an odd numbered year shall carry over with the same status to the next regular session.

Sec. 14. A majority of the members elected to and serving in each house shall constitute a quorum to do business. A smaller number in each house may adjourn from day to day, and may compel the attendance of absent members in the manner and with penalties as each house may prescribe.

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.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Sec. 17. Each house of the legislature may establish the committees necessary for the efficient conduct of its business and the legislature may create joint committees. On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection. Notice of all committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in the journal in advance of the hearing.

Sec. 18. Each house shall keep a journal of its proceedings, and publish the same unless the public security 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 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.

Sec. 19. All elections in either house or in joint convention and all votes on appointments submitted to the senate for advice and consent shall be published by vote and name in the journal.

Sec. 20. The doors of each house shall be open unless the public security otherwise requires.

Sec. 21. Neither house shall, without the consent of the other, adjourn for more than two intervening calendar days, nor to any place other than where the legislature may then be in session.

Sec. 22. All legislation shall be by bill and may originate in either house.

Sec. 23. The style of the laws shall be: The People of the State of Michigan enact.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

Sec. 25. No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Sec. 26. No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for

at least five days. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house. On the final passage of bills, the votes and names of the members voting thereon shall be entered in the journal.

Sec. 27. No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.

Sec. 28. When the legislature is convened on extraordinary occasions in special session no bill shall be passed on any subjects other than those expressly stated in the governor's proclamation or submitted by special message.

Sec. 29. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by two-thirds of the members elected to and serving in each house and by a majority of the electors voting thereon in the district affected. Any act repealing local or special acts shall require only a majority of the members elected to and serving in each house and shall not require submission to the electors of such district.

Sec. 30. The assent of two-thirds of the members elected to and serving in each house of the legislature shall be required for the appropriation of public money or property for local or private purposes.

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

Sec. 32. Every law which imposes, continues or revives a tax shall distinctly state the tax.

Sec. 33. Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

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.

Sec. 35. All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law. The prompt publication of judicial decisions shall be provided by law. All laws and judicial decisions shall be free for publication by any person.

Sec. 36. No general revision of the laws shall be made. The legislature may provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles.

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

Sec. 38. The legislature may provide by law the cases in which any office shall be vacant and the manner of filling vacancies where no provision is made in this constitution.

Sec. 39. In order to insure continuity of state and local governmental operations in periods of emergency only, resulting from disasters occurring in this state caused by enemy attack on the United States, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 40. The legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof. The legislature may provide for an excise tax on such sales. Neither the legislature nor the commission may authorize the manufacture or sale of alcoholic beverages in any county in which a majority of the electors voting thereon shall prohibit the same.

Sec. 41. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Sec. 42. The legislature may provide for the incorporation of ports and port districts, and confer power and authority upon them to engage in work of internal improvements in connection therewith.

Sec. 43. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be enacted, amended or repealed except by a vote of two-thirds of the members elected to and serving in each house.

Sec. 44. The legislature may authorize a trial by a jury of less than 12 jurors in civil cases.

Sec. 45. The legislature may provide for indeterminate sentences as punishment for crime and for the detention and release of persons imprisoned or detained under such sentences.

Sec. 46. No law shall be enacted providing for the penalty of death.

Sec. 47. The legislature may authorize the employment of chaplains in state institutions of detention or confinement.

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except those in the state classified civil service.

Sec. 49. The legislature may enact laws relative to the hours and conditions of employment.

Sec. 50. The legislature may provide safety measures and regulate the use of atomic energy and forms of energy developed in the future, having in view the general welfare of the people of this state.

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.

Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor general, who shall be a certified public accountant licensed to practice in this state, to serve for a term of eight years. He shall be ineligible for appointment or election to any other public office in this state from which compensation is derived while serving as auditor general and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.

The auditor general upon direction by the legislature may employ independent accounting firms or legal counsel and may make investigations pertinent to the conduct of audits. He shall report annually to the legislature and to the governor and at such other times as he deems necessary or as required by the legislature. He shall be assigned no duties other than those specified in this section.

Nothing in this section shall be construed in any way to infringe the responsibility and constitutional authority of the governing boards of the institutions of higher education to be solely responsible for the control and direction of all expenditures from the institutions' funds.

The auditor general, his deputy and one other member of his staff shall be exempt from classified civil service. All other members of his staff shall have classified civil service status.

ARTICLE V
Executive Branch

Sec. 1. The executive power is vested in the governor.

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.

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.

Sec. 3. The head of each principal department shall be a single executive unless otherwise provided in this constitution or by law. The single executives heading principal departments shall include a secretary of state, a state treasurer and an attorney general. When a single executive is the head of a principal department, unless elected or appointed as otherwise provided in this constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

When a board or commission is at the head of a principal department, unless elected or appointed as otherwise provided in this constitution, the members thereof shall be appointed by the governor by and with the advice and consent of the senate. The term of office and procedure for removal of such members shall be as prescribed in this constitution or by law.

Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

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.

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

Sec. 6. Appointment by and with the advice and consent of the senate when used in this constitution or laws in effect or hereafter enacted means appointment subject to disapproval by a majority vote of the members elected to and serving in the senate if such action is taken within 60 session days after the date of such appointment. Any appointment not disapproved within such period shall stand confirmed.

Sec. 7. Vacancies in any office, appointment to which requires advice and consent of the senate, shall be filled by the governor by and with the advice and consent of the senate. A person whose appointment has been disapproved by the senate shall not be eligible for an interim appointment to the same office.

Sec. 8. Each principal department shall be under the supervision of the governor unless otherwise provided by this constitution. The governor shall take care that the laws be faithfully executed. He shall transact all necessary business with the officers of

government and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

The governor may initiate court proceedings in the name of the state to enforce compliance with any constitutional or legislative mandate, or to restrain violations of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its political subdivisions. This authority shall not be construed to authorize court proceedings against the legislature.

Sec. 9. Single executives heading principal departments and the chief executive officers of principal departments headed by boards or commissions shall keep their offices at the seat of government except as otherwise provided by law, superintend them in person and perform duties prescribed by law.

Sec. 10. The governor shall have power and it shall be his duty to inquire into the condition and administration of any public office and the acts of any public officer, elective or appointive. He may remove or suspend from office for gross neglect of duty or for corrupt conduct in office, or for any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and shall report the reasons for such removal or suspension to the legislature.

Sec. 11. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an appointed or elected officer, other than a legislative or judicial officer, until he is reinstated or until the vacancy is filled in the manner prescribed by law or this constitution.

Sec. 12. The governor shall be commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection and repel invasion.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Sec. 14. The governor shall have power to grant reprieves, commutations and pardons after convictions for all offenses, except cases of impeachment, upon such conditions and limitations as he may direct, subject to procedures and regulations prescribed by law. He shall inform the legislature annually of each reprieve, commutation and pardon granted, stating reasons therefor.

Sec. 15. The governor may convene the legislature on extraordinary occasions.

Sec. 16. The governor may convene the legislature at some other place when the seat of government becomes dangerous from any cause.

Sec. 17. The governor shall communicate by message to the legislature at the beginning of each session and may at other times present to the legislature information as to the affairs of the state and recommend measures he considers necessary or desirable.

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

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

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

Sec. 21. The governor, lieutenant governor, secretary of state and attorney general shall be elected for four-year terms at the general election in each alternate even-numbered year.

The lieutenant governor, secretary of state and attorney general shall be nominated by party conventions in a manner prescribed by law. In the general election one vote shall be cast jointly for the candidates for governor and lieutenant governor nominated by the same party.

Vacancies in the office of the secretary of state and attorney general shall be filled by appointment by the governor.

Sec. 22. To be eligible for the office of governor or lieutenant governor a person must have attained the age of 30 years, and have been a registered elector in this state for four years next preceding his election.

Sec. 23. The governor, lieutenant governor, secretary of state and attorney general shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during his term of office. Such compensation shall not be changed during the term of office except as otherwise provided in this constitution.

Sec. 24. An executive residence suitably furnished shall be provided at the seat of government for the use of the governor. He shall receive an allowance for its maintenance as provided by law.

Sec. 25. The lieutenant governor shall be president of the senate, but shall have no vote, unless they be equally divided. He may perform duties requested of him by the governor, but no power vested in the governor shall be delegated.

Sec. 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final

and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Sec. 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

Sec. 28. There is hereby established a state highway commission, which shall administer the state highway department and have jurisdiction and control over all state trunkline highways and appurtenant facilities, and such other public works of the state, as provided by law.

The state highway commission shall consist of four members, not more than two of whom shall be members of the same political party. They shall be appointed by the governor by and with the advice and consent of the senate for four-year terms, no two of which shall expire in the same year, as provided by law.

The state highway commission shall appoint and may remove a state highway director, who shall be a competent highway engineer and administrator. He shall be the principal executive officer of the state highway department and shall be responsible for executing the policy of the state highway commission.

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.

ARTICLE VI

Judicial Branch

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.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than

two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Sec. 3. One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.

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.

Sec. 5. The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

Sec. 6. Decisions of the supreme court, including all decisions on prerogative writs, shall be in writing and shall contain a concise statement of the facts and reasons for each decision and reasons for each denial of leave to appeal. When a judge dissents in whole or in part he shall give in writing the reasons for his dissent.

Sec. 7. The supreme court may appoint, may remove, and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Sec. 9. Judges of the court of appeals shall hold office for a term of six years and until their successors are elected and qualified. The terms of office for the judges in each district shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 10. The jurisdiction of the court of appeals shall be provided by law and the practice and procedure therein shall be prescribed by rules of the supreme court.

Sec. 11. The state shall be divided into judicial circuits along county lines in each of which there shall be elected one or more circuit judges as provided by law. Sessions of the circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or

counties within the circuit in which he is elected, and in other circuits as may be provided by rules of the supreme court. The number of judges may be changed and circuits may be created, altered and discontinued by law and the number of judges shall be changed and circuits shall be created, altered and discontinued on recommendation of the supreme court to reflect changes in judicial activity. No change in the number of judges or alteration or discontinuance of a circuit shall have the effect of removing a judge from office during his term.

Sec. 12. Circuit judges shall be nominated and elected at non-partisan elections in the circuit in which they reside, and shall hold office for a term of six years and until their successors are elected and qualified. In circuits having more than one circuit judge their terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 13. The circuit court shall have original jurisdiction in all matters not 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.

Sec. 14. The clerk of each county organized for judicial purposes or other officer performing the duties of such office as provided in a county charter shall be clerk of the circuit court for such county. The judges of the circuit court may fill a vacancy in an elective office of county clerk or prosecuting attorney within their respective jurisdictions.

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 shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law.

Sec. 16. One or more judges of probate as provided by law shall be nominated and elected at non-partisan elections in the counties or the probate districts in which they reside and shall hold office for terms of six years and until their successors are elected and qualified. In counties or districts with more than one judge the terms of office shall be arranged by law to provide that not all terms will expire at the same time.

Sec. 17. No judge or justice of any court of this state shall be paid from the fees of his office nor shall the amount of his salary be measured by fees, other moneys received or the amount of judicial activity of his office.

Sec. 18. Salaries of justices of the supreme court, of the judges of the court of appeals, of the circuit judges within a circuit, and of the probate judges within a county or district, shall be uniform, and may be increased but shall not be decreased during a term of office except and only to the extent of a general salary reduction in all other branches of government.

Each of the judges of the circuit court shall receive an annual salary as provided by law. In addition to the salary received from the state, each circuit judge may receive from any county in which he regularly holds court an additional salary as determined

from time to time by the board of supervisors of the county. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court therein.

Sec. 19. The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be courts of record and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. No person shall be elected or appointed to a judicial office after reaching the age of 70 years.

Sec. 20. Whenever a justice or judge removes his domicile beyond the limits of the territory from which he was elected, he shall have vacated his office.

Sec. 21. Any justice or judge of a court of record shall be ineligible to be nominated for or elected to an elective office other than a judicial office during the period of his service and for one year thereafter.

Sec. 22. Any elected judge of the court of appeals, circuit court or probate court may become a candidate in the primary election for the office of which he is the incumbent by filing an affidavit of candidacy in the form and manner prescribed by law.

Sec. 23. A vacancy in the elective office of a judge of any court of record shall be filled at a general or special election as provided by law. The supreme court may authorize persons who have served as judges and who have retired, to perform judicial duties for the limited period of time from the occurrence of the vacancy until the successor is elected and qualified. Such persons shall be ineligible for election to fill the vacancy.

Sec. 24. There shall be printed upon the ballot under the name of each elected incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

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 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.

Sec. 27. The supreme court, the court of appeals, the circuit court, or any justices or judges thereof, shall not exercise any power of appointment to public office except as provided in this constitution.

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.

Sec. 29. Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions.

ARTICLE VII

Local Government

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against

claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multi-purpose functions rather than a single function.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to:

enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

ARTICLE VIII

Education

Sec. 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Sec. 4. The legislature shall appropriate moneys to maintain the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, Grand Valley State College, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision.

He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

Sec. 8. Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

ARTICLE IX

Finance and Taxation

Sec. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Sec. 2. The power of taxation shall never be surrendered, suspended or contracted away.

Sec. 3. The legislature shall provide for the uniform general ad valorem taxation of real and tangible personal property not exempt by law. The legislature shall provide for the determination of true cash value of such property; the proportion of true cash value at which such property shall be uniformly assessed, which shall not, after January 1, 1966, exceed 50 percent; and for a system of equalization of assessments. The legislature may provide for alternative means of taxation of designated real and tangible personal property in lieu of general ad valorem taxation. Every tax other than the general ad valorem property tax shall be uniform upon the class or classes on which it operates.

Sec. 4. Property owned and occupied by non-profit religious or educational organizations and used exclusively for religious or educational purposes, as defined by law, shall be exempt from real and personal property taxes.

Sec. 5. The legislature shall provide for the assessment by the state of the property of those public service businesses assessed by the state at the date this constitution becomes effective, and of other property as designated by the legislature,

and for the imposition and collection of taxes thereon. Property assessed by the state shall be assessed at the same proportion of its true cash value as the legislature shall specify for property subject to general ad valorem taxation. The rate of taxation on such property shall be the average rate levied upon other property in this state under the general ad valorem tax law, or, if the legislature provides, the rate of tax applicable to the property of each business enterprise assessed by the state shall be the average rate of ad valorem taxation levied upon other property in all counties in which any of such property is situated.

Sec. 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount; or to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

Sec. 7. No income tax graduated as to rate or base shall be imposed by the state or any of its subdivisions.

Sec. 8. The legislature shall not impose a sales tax on retailers at a rate of more than four percent of their gross taxable sales of tangible personal property.

Sec. 9. All specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for highway purposes as defined by law.

Sec. 10. One-eighth of all taxes imposed on retailers on taxable sales at retail of tangible personal property shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law. In determining population the legislature may exclude any portion of the total number of persons who are wards, patients or convicts in any tax supported institution.

Sec. 11. There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education and school employees' retirement systems, as provided by law. One-half of all taxes imposed on retailers on taxable sales at retail of tangible personal property, and other tax revenues provided by law, shall

be dedicated to this fund. Payments from this fund shall be made in full on a scheduled basis, as provided by law.

Sec. 12. No evidence of state indebtedness shall be issued except for debts authorized pursuant to this constitution.

Sec. 13. Public bodies corporate shall have power to borrow money and to issue their securities evidencing debt, subject to this constitution and law.

Sec. 14. To meet obligations incurred pursuant to appropriations for any fiscal year, the legislature may by law authorize the state to issue its full faith and credit notes in which case it shall pledge undedicated revenues to be received within the same fiscal year for the repayment thereof. Such indebtedness in any fiscal year shall not exceed 15 percent of undedicated revenues received by the state during the preceding fiscal year and such debts shall be repaid at the time the revenues so pledged are received, but not later than the end of the same fiscal year.

Sec. 15. The state may borrow money for specific purposes in amounts as may be provided by acts of the legislature adopted by a vote of two-thirds of the members elected to and serving in each house, and approved by a majority of the electors voting thereon at any general election. The question submitted to the electors shall state the amount to be borrowed, the specific purpose to which the funds shall be devoted, and the method of repayment.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mills or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitation as to rate or amount.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

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

Sec. 18. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution.

This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

Sec. 20. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of 50 percent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

Sec. 21. The legislature shall provide by law for the annual accounting for all public moneys, state and local, and may provide by law for interim accounting.

The legislature shall provide by law for the maintenance of uniform accounting systems by units of local government and the auditing of county accounts by competent state authority and other units of government as provided by law.

Sec. 22. Procedures for the examination and adjustment of claims against the state shall be prescribed by law.

Sec. 23. All financial records, accountings, audit reports and other reports of public moneys shall be public records and open to inspection. A statement of all revenues and expenditures of public moneys shall be published and distributed annually, as provided by law.

Sec. 24. The accrued financial benefits of each pension plan and retirement system of the state and its political subdivisions shall be a contractual obligation thereof which shall not be diminished or impaired thereby.

Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities.

ARTICLE X
Property

Sec. 1. The disabilities of coverture as to property are abolished. The real and personal estate of every woman acquired before marriage and all real and personal

property to which she may afterwards become entitled shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be dealt with and disposed of by her as if she were unmarried. Dower may be relinquished or conveyed as provided by law.

Sec. 2. Private property shall not be taken for public use without just compensation therefor being first made or secured in a manner prescribed by law. Compensation shall be determined in proceedings in a court of record.

Sec. 3. A homestead in the amount of not less than $3,500 and personal property of every resident of this state in the amount of not less than $750, as defined by law, shall be exempt from forced sale on execution or other process of any court. Such exemptions shall not extend to any lien thereon excluded from exemption by law.

Sec. 4. Procedures relating to escheats and to the custody and disposition of escheated property shall be prescribed by law.

Sec. 5. The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

Sec. 6. Aliens who are residents of this state shall enjoy the same rights and privileges in property as citizens of this state.

ARTICLE XI

Public Officers and Employment

Sec. 1. All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Sec. 2. The terms of office of elective state officers, members of the legislature and justices and judges of courts of record shall begin at twelve o'clock noon on the first day of January next succeeding their election, except as otherwise provided in this constitution. The terms of office of county officers shall begin on the first day of January next succeeding their election, except as otherwise provided by law.

Sec. 3. Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.

Sec. 4. No person having custody or control of public moneys shall be a member of the legislature, or be eligible to any office of trust or profit under this state, until he shall have made an accounting, as provided by law, of all sums for which he may be liable.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. 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.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Sec. 6. By ordinance or resolution of its governing body which shall not take effect until approved by a majority of the electors voting thereon, unless otherwise provided by charter, each county, township, city, village, school district and other governmental unit or authority may establish, modify or discontinue a merit system for its employees other than teachers under contract or tenure. The state civil service commission may on request furnish technical services to any such unit on a reimbursable basis.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment.

Every impeachment shall be tried by the senate immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

ARTICLE XII

Amendment and Revision

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which 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 ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Sec. 3. At the general election to be held in the year 1978, and in each 16th year thereafter and at such times as may be provided by law, the question of a general revision of the constitution shall be submitted to the electors of the state. If a majority of the electors voting on the question decide in favor of a convention for such purpose, at an election to be held not later than six months after the proposal was certified as approved, the electors of each representative district as then organized shall elect one delegate and the electors of each senatorial district as then organized shall elect one delegate at a partisan election. The delegates so elected shall convene at the seat of government on the first Tuesday in October next succeeding such election or at an earlier date if provided by law.

The convention shall choose its own officers, determine the rules of its proceedings and judge the qualifications, elections and returns of its members. To fill a vacancy in the office of any delegate, the governor shall appoint a qualified resident of the same district who shall be a member of the same party as the delegate vacating the office. The convention shall have power to appoint such officers, employees and assistants as it deems necessary and to fix their compensation; to provide for the printing and distribution of its documents, journals and proceedings; to explain and disseminate information about the proposed constitution and to complete the business of

the convention in an orderly manner. Each delegate shall receive for his services compensation provided by law.

No proposed constitution or amendment adopted by such convention shall be submitted to the electors for approval as hereinafter provided unless by the assent of a majority of all the delegates elected to and serving in the convention, with the names and vote of those voting entered in the journal. Any proposed constitution or amendments adopted by such convention shall be submitted to the qualified electors in the manner and at the time provided by such convention not less than 90 days after final adjournment of the convention. Upon the approval of such constitution or amendments by a majority of the qualified electors voting thereon the constitution or amendments shall take effect as provided by the convention.

Schedule and Temporary Provisions

To insure the orderly transition from the constitution of 1908 to this constitution the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 1. The attorney general shall recommend to the legislature as soon as practicable such changes as may be necessary to adapt existing laws to this constitution.

Sec. 2. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution.

Sec. 3. Except as otherwise provided in this constitution, all officers filling any office by election or appointment shall continue to exercise their powers and duties until their offices shall have been abolished or their successors selected and qualified in accordance with this constitution or the laws enacted pursuant thereto.

No provision of this constitution, or of law or of executive order authorized by this constitution shall shorten the term of any person elected to state office at a statewide election on or prior to the date on which this constitution is submitted to a vote. In the event the duties of any such officers shall not have been abolished or incorporated into one or more of the principal departments at the expiration of his term, such officer shall continue to serve until his duties are so incorporated or abolished.

Sec. 4. All officers elected at the same election that this constitution is submitted to the people for adoption shall take office and complete the term to which they were elected under the 1908 constitution and existing laws and continue to serve until their successors are elected and qualified pursuant to this constitution or law.

Sec. 5. Notwithstanding any other provision in this constitution, the governor, the lieutenant governor, the secretary of state, the attorney general and state senators shall be elected at the general election in 1964 to serve for two-year terms beginning on the first day of January next succeeding their election. The first election of such officers for four-year terms under this constitution shall be held at the general election in 1966.

Sec. 6. Notwithstanding the provisions of this constitution that the supreme court shall consist of seven justices it shall consist of eight justices until the time that a vacancy occurs as a result of death, retirement or resignation of a justice. The first such vacancy shall not be filled.

Sec. 7. Any judge of probate serving on the effective date of this constitution may serve the remainder of the term and be eligible to succeed himself for election

regardless of other provisions in this constitution requiring him to be licensed to practice law in this state.

Sec. 8. The provisions of Article VI providing that terms of judicial offices shall not all expire at the same time, shall be implemented by law providing that at the next election for such offices judges shall be elected for terms of varying length, none of which shall be shorter than the regular term provided for the office.

Sec. 9. The members of the state board of education provided for in Section 3 of Article VIII of this constitution shall first be elected at the first general election after the effective date of this constitution for the following terms: two shall be elected for two years, two for four years, two for six years, and two for eight years as prescribed by law.

The state board of education provided for in the constitution of 1908 is abolished at twelve o'clock noon January 1 of the year following the first general election under this constitution and the terms of members thereof shall then expire.

Sec. 10. The provisions of this constitution providing for members of boards of control of institutions of higher education and the state board of public community and junior colleges shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended, and may further provide that the initial terms of office of members may be less than eight years.

Sec. 11. The provisions of this constitution increasing the number of members of the Board of Trustees of Michigan State University and of the Board of Governors of Wayne State University to eight, and of their term of office to eight years, shall be implemented by law. The law may provide that the term of each member in office on the date of the vote on this constitution may be extended one year, and may further provide that the initial terms of office of the additional members may be less than eight years.

Sec. 12. The initial allocation of departments by law pursuant to Section 2 of Article V of this constitution, shall be completed within two years after the effective date of this constitution. If such allocation shall not have been completed within such period, the governor, within one year thereafter, by executive order, shall make the initial allocation.

Sec. 13. Contractual obligations of the state incurred pursuant to the constitution of 1908 shall continue to be obligations of the state.

For the retirement of notes and bonds issued under Section 26 of Article X of the 1908 constitution, there is hereby appropriated from the general fund each year during their life a sum equal to the amount of principal and interest payments due and payable in each year.

Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority shall be abolished and the operation of the bridge shall be assumed by the state highway department. The legislature may implement this section by law.

Sec. 15. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the first Monday in April, 1963. It shall be the duty of the secretary of state forthwith to give notice of such submission to all

other officers required to give or publish any notice in regard to a general election. He shall give notice that this constitution will be duly submitted to the electors at such election. The notice shall be given in the manner required for the election of governor.

Sec. 16. Every registered elector may vote on the adoption of the constitution. The board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office, the words: Shall the revised constitution be adopted? ( ) Yes. ( ) No. All votes cast at the election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. If the revised constitution so submitted receives more votes in its favor than were cast against it, it shall be the supreme law of the state on and after the first day of January of the year following its adoption.

Adopted by the Constitutional Convention of nineteen hundred sixty-one at Constitution Hall in Lansing on the first day of August, nineteen hundred sixty-two.

Stephen S. Nisbet

Stephen S. Nisbet, *President*

Fred I. Chase

Fred I. Chase, *Secretary*

[ADDRESS TO THE PEOPLE]

What the Proposed New State Constitution Means to You

- **A report to the people of Michigan by their elected delegates to the Constitutional Convention of 1961-62.**

Lansing, Michigan

August 1, 1962

for former Michigan residents to cast absentee ballots for president and vice-president if they have not yet become eligible to vote in the new state of residence.

This section does not affect residence requirements for eligibility to vote in state and local elections. It recognizes, however, that the issues and candidates are the same throughout the country in presidential elections.

Elections; place and manner.

Sec. 4. *The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws* to preserve the purity of elections, *to preserve the secrecy of the ballot, to* guard against abuses of the elective franchise, *and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.*

This is a revision of Sec. 8, Article III, of the present constitution and vests in the legislature full authority over election administration, subject to other provisions of this constitution and to the U. S. constitution and laws. The legislature is specifically directed to enact corrupt practices legislation.

The provision regarding the secrecy of the ballot is designed to insure that in the future the legislature will be empowered to adopt any new techniques of casting and recording voter choices, so long as the secrecy of the ballot is preserved.

The last sentence of the section prohibits a candidate in any partisan primary or election from having a ballot designation, except when required for identification of candidates for the same office who have the same or similar surnames.

Elections; time.

Sec. 5. Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

This is a new section which eliminates the biennial spring election in Michigan and requires that major state-wide elections shall be held on the first Tuesday after the first Monday in November in each even-numbered year, or such other date as U. S. members of congress are elected (See Sec. 5, Schedule, page 103). It permits special elections to fill vacancies and city, village and school elections to be held at other times as prescribed.

The convention determined to abolish the spring election after hearing testimony from voters, election officials and party workers who so recommended. This election, coming almost on the heels of a preceding November election, has had a poor record of voter turnout. Campaigning involved in

this election has also interfered unduly with state legislative activity. Its elimination is expected to cause wider citizen participation in the fall election of officials ranging from supreme court to township officers.

Elimination of the spring vote will reduce state-wide election costs by an estimated $1 million annually.

Expenditure of money.

Sec. 6. Whenever any question is *required to be* submitted *by a political subdivision to* the electors *for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years,* or *for* the issue of bonds, only *electors in, and* who have property assessed for *any ad valorem* taxes in, any part of the district or territory to be affected by the result of such election or *electors who are* the lawful husbands or wives of such persons shall be entitled to vote thereon. *All electors in the district or territory affected may vote on all other questions.*

This is a revision of Sec. 4, Article III, of the present constitution limiting eligibility for voting on millage increase proposals to property owners and their spouses, but only if the millage increase is for a period in excess of five years.

The section continues present property qualifications for those voting on the issue of bonds but deletes mention of "the direct expenditure of money" as unnecessary language.

Board of canvassers.

Sec. 7. A board of state canvassers * of four members shall be established by law. No candidate for an office to be canvassed ** *nor any inspector of elections* shall be eligible to serve as a member of a *board of canvassers.* A majority of *any* board of canvassers shall not be composed of *members* of the same political party.

This is a revision of Sec. 9, Article III, of the present constitution extending the requirement of bipartisanship to local canvassing boards, which previously were not mentioned in this section. A prohibition against the service of any inspector of elections on a canvassing board is also included. Statutory changes would be required to implement this section at the county and township level.

Recall.

Sec. 8. *Laws shall be enacted* to provide for the recall of all elective officers except judges of courts of record ** upon petition of *electors equal in number to* 25 percent of the number of *persons voting in the last* preceding election for the office of governor in *the* * * electoral *district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.*

This is a revision of the recall provisions of Sec. 8, Article III, of the present constitution strengthening it somewhat by stating that the reasons for a recall shall be a political question, so that courts cannot set aside a recall on the grounds that the reasons for it are in some way inadequate.