

Michigan Constitutional Convention of 1961

Committee Proposal 58h

Const 1963, Art 2, § 7

Relevant Material From the Constitutional Convention Record

Cross-Reference and Indices	pp. 3436, 3447, 3459
First Reading	pp. 724, 2213-2215, 2263-2267, 2282-2283, 2670
Second Reading	pp. 2892, 2898-2899, 2916-2917
Draft Constitution (Art 2, § 7)	pp. 3047-3075 (p. 3049)
Third Reading, Article-by-Article	pp. 3076-3077, 3085-3087, 3210
Draft Constitution (Art 2, § 7)	pp. 3215-3237 (pp. 3216-3217)
Third Reading, Full Constitution	pp. 3300-3301
Adopted Constitution (Art 2, § 7)	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 - 1962
OFFICIAL RECORD



FRED I. CHASE
Secretary of the Convention

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

Committee Proposal No.	Page	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.		61. A proposal pertaining to terms of public officers. Retains section 1, article XVI.	
For text as offered and reasons	928	For text as offered and reasons	2492
As referred to style and drafting	928	As referred to style and drafting	2504
As reported by style and drafting	2668	As reported by style and drafting	2998
As rereferred to style and drafting	2668	As rereferred to style and drafting	2998
Jan. 31, reported by finance and taxation; referred to committee of the whole	724	Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	737
Feb. 9, read first time; considered, passed by committee of the whole	928-929	Apr. 16, read first time; considered, amended, passed by committee of the whole	2492-2493
Feb. 9, reported by committee of the whole without amendment; referred to style and drafting	938	Apr. 16, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2504
Mar. 5, reported by style and drafting (Report 30); placed on order of second reading	1430	Apr. 26, reported by style and drafting (Report 109); placed on order of second reading	2851
Apr. 19, read second time; passed; rereferred to style and drafting	2668-2669	Apr. 30, read second time; passed; rereferred to style and drafting	2998-2999
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.		62. A proposal pertaining to grants of extra compensation. Amends the first sentence of section 3, article XVI.	
For text as offered and reasons	2213	For text as offered and reasons	2493
For minority reports and reasons	2215	As referred to style and drafting	2493
As referred to style and drafting	2282	As reported by style and drafting	2999
As reported by style and drafting	2892	As rereferred to style and drafting	2999
As rereferred to style and drafting	2899	Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	737
Jan. 31, reported by declaration of rights, suffrage and elections; referred to committee of the whole	724	Apr. 16, read first time; considered, passed by committee of the whole	2493
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. 16, reported by committee of the whole without amendment; referred to style and drafting	2503
Apr. 9, sections d, e, f considered; sections d, e amended, passed by committee of the whole	2232-2253	Apr. 26, reported by style and drafting (Report 110); placed on order of second reading	2852
Apr. 10, sections f, g, h considered, amended, passed; committee proposal as amended considered, passed by committee of the whole	2254-2271	Apr. 30, read second time; passed; rereferred to style and drafting	2999
Apr. 10, reported by committee of the whole with 7 amendments; referred, as amended, to style and drafting	2282	63. A proposal pertaining to estates of married women. Retain section 8, article XVI.	
Apr. 23, reported by style and drafting (Report 83); placed on order of second reading	2670	For text as offered and reasons	2437
Apr. 26, read second time; amended, passed; rereferred to style and drafting	2892-2899	As referred to style and drafting	2448
Apr. 27, motion to reconsider vote on passage defeated	2916-2917	As reported by style and drafting	3001
59. A proposal pertaining to vacancies in the office of governor. Amends article VI, section 16.		As rereferred to style and drafting	3003
For text as offered and reasons	1954	Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	737
As referred to style and drafting	1966	Apr. 13, read first time; considered, amended, passed by committee of the whole	2437-2447
As reported by style and drafting	2764	Apr. 13, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2448
As rereferred to style and drafting	2764	Apr. 26, reported by style and drafting (Report 111); placed on order of second reading	2852
Feb. 1, reported by executive branch; referred to committee of the whole	737	May 1, read second time; amended, passed; rereferred to style and drafting	3001-3003
Mar. 29, read first time; considered, amended, passed by committee of the whole	1954-1963	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.	
Mar. 29, reported by committee of the whole with 1 amendment; amendment concurred in; referred to style and drafting	1965-1966	For text as offered and reasons	2452
Apr. 19, reported by style and drafting (Report 72) as Substitute for Committee Proposals 59 and 60; placed on order of second reading	2619	For minority report and reasons	2453
Apr. 24, read second time; passed; rereferred to style and drafting	2764-2766	As referred to style and drafting	2472
60. A proposal pertaining to succession to the governorship. Amends article VI, section 17.		As reported by style and drafting	3003
For text as offered and reasons	1963	As rereferred to style and drafting	3004
As referred to style and drafting	1987	Feb. 1, reported by miscellaneous provisions and schedule; referred to committee of the whole	737
As reported by style and drafting	2764	Apr. 16, read first time; considered, amended, passed by committee of the whole	2452-2458
As rereferred to style and drafting	2764	Apr. 16, reported by committee of the whole with 1 amendment; referred, as amended, to style and drafting	2472
Feb. 1, reported by executive branch; referred to committee of the whole	737	Apr. 26, reported by style and drafting (Report 112); placed on order of second reading	2852
Mar. 29, read first time; considered, amended, passed by committee of the whole	1963-1965, 1968-1969	May 1, read second time; amended, passed; rereferred to style and drafting	3003-3004
Mar. 29, reported by committee of the whole with 3 amendments; amendments concurred in; referred to style and drafting	1987	65. A proposal to amend article XVII, sections 2 and 3, pertaining to amendment and revision of the constitution.	
Apr. 19, reported by style and drafting (Report 72) as Substitute for Committee Proposals 59 and 60; placed on order of second reading	2619	For text as offered and reasons	2458
Apr. 24, read second time; passed; rereferred to style and drafting	2764-2766	As referred to style and drafting	2458
		As reported by style and drafting	3004
		As rereferred to style and drafting	3004

	Page
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 Proposal 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

	Page
ARTICLE III. General government. (Committee Proposals 10, 21, 18, 19, 128, 101, 44a, 98k)	
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

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*

Beaman	Hoxie	Seyferth
Bentley	Hubbs	Shaffer
Bonisteel	Hutchinson	Shanahan
Brake	Iverson	Sharpe
Brown, G. E.	Judd, Mrs.	Sleder
Butler, Mrs.	Karn	Spitler
Conklin, Mrs.	Knirk, B.	Stafseth
Danhof	Krolikowski	Staiger
Dehnke	Kuhn	Sterrett
Dell	Lawrence	Stevens
Donnelly, Miss	Leibrand	Stopczynski
Durst	Leppien	Thomson
Erickson	McAllister	Turner
Everett	McLogan	Tweedie
Farnsworth	Millard	Upton
Figy	Page	Wanger
Finch	Perras	White
Goebel	Powell	Wilkowski
Habermehl	Prettie	Wood
Hanna, W. F.	Pugsley	Yeager
Haskill		

SECRETARY CHASE: On the amendment to strike out section f, the yeas are 40; the nays are 70.

CHAIRMAN MARTIN: The amendment is not adopted. Are there any further amendments to the section, Mr. Secretary?

SECRETARY CHASE: Not to this section, Mr. Chairman.

CHAIRMAN MARTIN: Section f is agreed to as amended. The secretary will read the next section.

SECRETARY CHASE: Section g:

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

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: In behalf of the committee, I will give just a very brief explanation of this section.

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

I am informed that Mr. Garry Brown has a perfecting amendment which he will offer which takes care of some judicial interpretation which apparently still beclouds the issue.

I conclude by saying that the continuance of the institution of the popular recall seems to us to be highly desirable. This, in a sense, is a broom in the closet which can be taken out and used. It has not been used too frequently in Michigan, but its use at any rate is justified in many cases and the committee recommends its continuance in our constitution. That's all the committee has to say, Mr. Chairman.

CHAIRMAN MARTIN: Mr. Brown has an amendment. The secretary is going to read the amendment.

SECRETARY CHASE: Mr. Garry Brown offers the following amendment:

1. 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."

CHAIRMAN MARTIN: Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, in view of the words of Dr. Pollock, I'll be as brief as possible. I discussed this matter with Dr. Pollock and did appear before the committee with respect to the amendment, the substance of which is currently before you. The amendment is divided into 2 parts, really. The first is of a procedural nature, where the language is changed to say that the petitions shall be signed by electors comparable in number to 25 per cent of the number of electors who vote at the preceding election for the office of governor. This is necessitated, I believe, by the fact that the legislature has in effect violated the constitutional provision in a statute which has been adopted and which is presently on the books

with respect to fractional school districts. Fractional school district lines oftentimes cut across precinct lines and there is no way to determine the number of votes cast for governor in the preceding election. So in this case, the legislature adopted the language that provides in effect that the number of signers on petitions for recall in a fractional school district shall be 25 per centum of the taxpaying electors of the district. This was felt to be comparable in number to 25 per cent of the people who vote for governor in the preceding election and is an effective way to have the number of signatures required for the petitions. So when we say "comparable in number," this would give the legislature constitutional authority to provide the flexibility in an impossible situation that is the present case. So this merely is to comply with what the legislature has already done but gives it constitutional authority in effect.

The second aspect of the amendment is substantive in nature. In order to understand this—and I think that each of us should because it basically is a policy determination by this convention to clearly set forth what is intended by recall—we should go back into history a little bit to see how this developed. First of all, we had the language as it presently is written in the constitution, which provided for and required legislative implementation. On the basis of this constitutional provision, legislation was passed, which said in part that petitions for recall—and I am, in substance, quoting—shall be printed or typewritten and shall clearly state the reason or reasons for the demand for recall. Following the enactment of this statute, cases were brought before the Michigan supreme court, starting back about 1924, and the supreme court of the state of Michigan, by what I prefer to refer to as judicial legislation, interpreted the statute to mean that the reasons required by the statute must be such that if true, they would constitute misfeasance, malfeasance and nonfeasance in office. This is the case of Newberg vs. Donnelly. These words, you will recall, have been put into either constitutional or statutory language insofar as the removal of officers is concerned where cause is a factor. Recall in the contemplation of the proponents of the initiative, the referendum and the recall as being those 3 basic rights of the electorate, never contemplated that cause would be a factor in recall, but it would be in removal, of course. This was the rule. This requirement of the reasons stated in the petitions to constitute misfeasance, malfeasance or nonfeasance, that was the rule from approximately 1926 to 1960. In the case of Wallace vs. Tripp, which was decided in 1960, the Michigan supreme court, reviewing the constitutional right of the Michigan supreme court to do what it had done back in Newberg vs. Donnelly, correctly determined that cause was an element of removal proceedings, but not of recall.

As I have said, like the initiative and the referendum, this is the right of the electorate to, first of all, initiate legislation without giving reasons, to review legislation without giving reasons, and to recall elective officers without giving reasons. By the court interpretation, it meant that at any time petitions for recall of an officer were filed with the appropriate officials, that then by an action of mandamus or by a writ of injunction, or petition for a writ of injunction, that the sufficiency of the reasons stated in the petitions could be the subject of judicial inquiry and any recall proceedings could be nullified and stopped at that point if the court determined that the reasons were not sufficient. If you are familiar with the procedure for recall, those proponents of the recall must circulate petitions, acquire the necessary number of signatures, file them with the appropriate official; the election is called, and then at this point is when the injunction or the mandamus proceedings are usually started to test the sufficiency of the reasons. After this, of course, there would be an election to determine whether or not the office should be declared vacant and a new election held for the filling of the vacancy.

Now, if we agree—and I think this committee should agree—that recall is a political question rather than a judicial question and that cause is not a feature of it or a factor or an element of it, it is necessary that we clarify the present language of the constitution. This is done by the amendment

in the last sentence, and only the last sentence is additional language to the basic provision in the 1908 constitution, that sentence being, "Any statement of reasons or grounds procedurally required shall be deemed to pose a political rather than a judicial question."

Many of you will ask, "Why is it necessary to put this in?" I don't think that we can say that the legislature can do this because, of course, we have had this same language for many years and this was never completely clarified by the legislature, and through court interpretation over a 30 year period it has been in a state of flux, and finally determined for 26 years, approximately, as having an entirely different basis than it has now, otherwise previously having the element of cause in it.

The decision which has established the law, as I contemplate it should be, and as I trust the members of this committee consider it should be, was decided by a divided court, a 4 to 3 decision. I think that the followers of the dissenting opinion in this case, of course, were basing it upon the decisions of the court in previous years, where the constitutional question really had never been raised. In fact, that was an element that the court first had to decide. I think it clearly is a matter of substance that needs to be put in the constitution because it defines the policy of recall.

I would just like to mention to you very briefly some of the wording of the court in this decision because it encompasses the whole idea of recall as it has been understood not only in this state, but in other states. One of the leading cases in the country which has dealt with the question of recall is the case of *Dunham vs. Artery*. It's an Oklahoma case but has been followed and has been relied upon in many of the other decisions in other courts. And I quote:

We understand that the principle underlying the recall of public officers means that the people may have an effective and speedy remedy to remove an official who is not giving satisfaction—one who they do not want to continue in office, regardless of whether or not he is discharging his full duty to the best of his ability and as his conscience dictates. If the policies pursued do not meet the approval of a majority of the people, it is the underlying principle of the recall doctrine to permit them to expeditiously recall the official, without form or ceremony, except as provided for in the charter.

Justice Edwards, speaking for the majority of the court—and for those lawyers here who are interested in the majority of the court, since I think you will not find this majority on any other case; at least, I have not seen it yet, the 4 members of the majority court who decided this case were Justice Edwards, Justice Talbot Smith, Justice Dethmers and Justice Carr—Justice Edwards, speaking for the majority of the court, said:

The basic power is held by the people in both our nation and our state. Our state constitution as presently drawn places much confidence in the proper functioning of an intelligent and informed electorate. The recall provision is illustrative of that confidence. We feel bound to uphold its provisions against the aberration contained in the Newberg case and subsequently followed in the cases cited.

Many have said that, with respect to recall, this may lead to vexatious or spurious recall attempts. This has not been the history of the recall provision as it has been found in other states, nor has it been the fact in Michigan since the deciding of this case.

The requiring of signatures, the burden that is placed upon the proponents of a recall movement, to recall an officer and call an election for that purpose; the burden of getting the signatures and getting people to sign for this purpose has proved to be a very adequate deterrent to any vexatious or spurious recall movements. So I would therefore urge that the present amendment be put into the constitution as a declaration of policy, which is the judicial interpretation of this state at the present time. Thank you.

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: Mr. Chairman, I personally consider this a perfecting amendment, and although it hasn't been possible to consult all the members of the committee, if any of the

members of the committee object to this amendment, I wish they would now say so.

CHAIRMAN MARTIN: Mr. T. S. Brown.

MR. T. S. BROWN: Mr. Chairman and fellow delegates, if I may, I'd like to ask a question of brother Garry. Under the proposed amendment here, as I understand it from your explanation, it would be possible in an assumed case to have an elected public official, say a member of normally a minority party who won election by a close margin in a certain area, who thereafter was the subject of petitions signed by 25 per cent of, roughly, the people that voted in that total election in which he was elected, submit these petitions without reason as to whether he is good, bad or indifferent, or without allegation of malfeasance, nonfeasance or misfeasance, and therefore have held a general election, at which time 51 per cent of the people voting in that particular election could declare this office vacant. Is that the actual net effect of your amendment?

CHAIRMAN MARTIN: Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, Mr. Brown, the net effect of the amendment is that this could happen. There could be a movement for recall of an officer because they don't like the way he parts his hair. As a practical matter, this may be done. As a technical matter, of course, the petitioning does not recall the officer. The petitioning merely says that there shall be an election called to determine whether or not the office shall be declared vacant. But let me remind you that there is no vested right in the office to which a person has been elected. This has never been the situation in this state and it has never been contemplated that there was any vested right in an office. It is not a matter of contract merely because you've been elected to that office. I'd like to quote further from the case, in further answer to Mr. Brown's question, because this is one that is oftentimes raised, and I quote:

It has been argued that absurd reasons may be stated in the petition, and that an officer may be called upon to defend his position against frivolous attacks. Doubtless the provisions requiring 30 per cent—

or in this case, 25 per cent—

of the electors to sign the petition before the council are compelled to act was designed to avoid such a contingency. The legislature apparently assumed that nearly 1/3 of the electorate would not entail upon the taxpayers the cost of an election, unless the charges made approved themselves to their understanding and they were seriously dissatisfied with the services of the incumbent of the office.

The petitioning, once again, is for the calling of the election. The petitioning itself does not result in the office being declared vacant. I trust that that answers your question, Mr. Brown.

CHAIRMAN MARTIN: Mr. Brown.

MR. T. S. BROWN: Then, Mr. Chairman and fellow delegates, with some degree of hesitancy, because I am not well versed in this particular matter, it would seem to me that I should oppose this amendment because of the fact that historically we have always provided a juxtaposition in elections as between 2 conflicting personalities and 2 conflicting ideologies and such, and that if there were no proper reason given, mal-, mis-, or nonfeasance, in the execution of an elected official's duty, it would seem to me the most logical thing to do would be to wait the required number of years and have this particular rascal thrown out in the classic American style.

I can see—let's say for instance, I can think of 2 or 3 local elected officials in my area whom I would just as soon see thrown out but I must of necessity wait until the next election to do this. If this were adopted, it would seem to me actually that we would get into the frivolous type of election in those specific areas where you might have an unusual election in which an unusual candidate were elected from a party which does not usually elect candidates in that particular district.

CHAIRMAN MARTIN: Mr. Allen.

MR. ALLEN: Could I ask that the question be divided?

I think that there is general agreement on the first sentence and some dispute on the second.

CHAIRMAN MARTIN: You mean on Mr. Brown's addition?

MR. ALLEN: On Mr. Brown's addition. It's in 2 sentences.

CHAIRMAN MARTIN: The question will be divided. Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, I believe that an amendment that strikes and inserts is not divisible.

CHAIRMAN MARTIN: The Chair will have to sustain your point, Mr. Brown. You are correct.

MR. G. E. BROWN: Mr. Chairman, ladies and gentlemen of the committee, I think that red herrings are being thrown into this matter. As I say, the present judicial interpretation is as this section reads. It is a correct judicial interpretation. However, there has been this lack of complete unanimity among the courts as to what the language, as it originally was, means. And I think that since we have determined that this is the law today in this state and this is the way the law should be, I think that any person that isn't willing and doesn't have reasons for what he does in political office, even if it's only a matter of policy, that if he can't give reasons, if there isn't any justification for his actions, that whether or not this constitution—misfeasance, malfeasance or nonfeasance should preclude the electorate from having an opportunity to recall him.

Now, as a practical matter, when you subject this to judicial review, you nullify the effect of recall. In the first place, if you say that the reasons stated in the petitions constitute misfeasance, malfeasance or nonfeasance, it is true, the court does not decide the truth of these allegations. This is the difference between removal and recall as far as the court has previously interpreted it. But as a practical matter, these reasons must be true or the proponents of such petitions and the movers of such recall movements must be subject to a libel and slander action if these reasons are not true. So in effect, you have recall adopting all of the substance and the removal aspect of removal, and recall was never intended to be this. Recall was intended to be and should be the right of the electorate to recall an officer without giving reasons for the recall except to inform the electorate in connection with their voting as to whether or not this officer should be recalled.

The red herrings that are thrown into the matter, I think, are completely out of order. I think it hasn't been true. Anyone that can document this, that there have been vexatious or spurious recall actions where misfeasance, malfeasance or nonfeasance were not required might have a point. But I challenge them to be able to sustain such a position.

CHAIRMAN MARTIN: The secretary advises that he has an amendment to this amendment.

SECRETARY CHASE: Mr. Faxon offers this amendment to the amendment:

1. Amend the amendment by striking out all of the last sentence, which reads, "Any statement of reasons or grounds procedurally required shall be deemed to pose a political rather than a judicial question."

CHAIRMAN MARTIN: Mr. Faxon.

MR. FAXON: This would, in effect, do what one of the previous delegates had requested, that the question ought to be divided. Each of the sentences embraces 2 separate ideas and I may feel sympathetic with one and less sympathetic with the other. I, for one, do not feel that the second sentence is a necessary matter to be put into the constitution and would urge that the amendment be accepted.

CHAIRMAN MARTIN: The question is on the Faxon amendment. I'm sorry. Mrs. Judd had asked to be recognized. Mrs. Judd. Speaking on the Faxon amendment, Mrs. Judd?

MRS. JUDD: Yes. It was that portion of the amendment to which I wish to speak. I had some experience with recall, as Mr. Goebel grinningly recognizes. In fact, I think I was party to a suit in the supreme court on the question back in 1949. As I understand it, the court at that time was in the position of having to state or determine that the charges on the petition, if true, would constitute malfeasance, misfeasance and so on; in other words, valid reasons for such a recall. One

would get the feeling in reading the decision that this put the court in a very difficult position of having almost to decide what is in fact a political question. In fact, I remember that we all felt the decision was one of great victory politically for us.

I would like to say also, agreeing with Mr. Brown, that the need to resort to the courts does in fact nullify the whole purpose of recall unless you are fortunate, as we were in that particular case. It happened to be at a time when the supreme court was about to adjourn, and the case, of course, is always brought by the official against whom the recall is started. He goes to court for the exact purpose of delaying the recall until public opinion has cooled off. In this case, we were almost going to be up against waiting from May until October for the next session of the supreme court, but we happened to have some very brilliant lawyers on our side and they persuaded the supreme court at the last minute in June to intervene, and so we did get a decision in time to make an effective move, which didn't happen to result in recall because the official in question resigned when the supreme court decision came down. But I have read many of the cases in the history of recall throughout the country throughout the years in connection with this experience, and I think that Mr. Brown has hit upon a very important point, that the need to go to court does delay and therefore nullifies the purpose of recall.

CHAIRMAN MARTIN: Dr. Nord.

MR. NORD: Mr. Chairman, I gather that we are now dealing with the Faxon amendment which would strike the last sentence and I rise to support that amendment for this reason: I believe that whatever objective is sought to be achieved—and I believe there is a good objective—could be achieved without the disadvantages of this sentence, which I believe are quite big. I can't recall any place in the constitution offhand, either in this one or any other constitution, where we have a provision of this type that a certain question of law shall not be a judicial question but shall be a political question. I believe that stating that something or other is the law, but there is no way to test it, is not the right way to go about this matter. If it is a question of delay, I think all these other means could be worked out. For example, it could be provided that no judicial review shall abate the recall proceeding, but that if it is found later on that there is something wrong with the proceedings, that even if the man was voted out of office, he still is in office. Something like that can be done. But to put into the constitution a provision that something which is a law can just be violated with impunity seems to me to be inviting a terrifically bad precedent.

The whole question of what is a political question really is always a judicial question anyway. They must decide that they are not equipped to cope with a certain problem. If you decide that for them, it wouldn't surprise me as a matter of fact if they would conclude that you were wrong, that it is a judicial question. In fact, it seems to me they have done that recently in a different situation. Basically, what a political question is boils down to the kind of situation which the court feels like ducking—it feels like ducking and when it stops feeling like ducking, then it says it is not a political question. As a matter of fact, I believe that if you want to absolutely preclude the court from any judicial review at all, you have to say point blank not that it's a political question, but that it is not subject to judicial review. I think that whatever the object of this sentence is it doesn't do it, but worse than that, it puts into the constitution a statement that courts are supposed to duck something, even though they're sure that what's going on is wrong. I feel that this is a very bad precedent and something instead of that last sentence ought to be inserted.

CHAIRMAN MARTIN: Mr. Goebel.

MR. GOEBEL: Mr. Chairman and members of the committee, for the reasons that were ably stated by Mrs. Judd, I think it is very imperative that we retain the last sentence in this amendment. If we do not, as she says, the whole process of recall is nullified and I therefore urge the defeat of the Faxon amendment.

CHAIRMAN MARTIN: Mr. Garry Brown.

MR. G. E. BROWN: Mr. Chairman, members of the com-

mittee and Dr. Nord, you stated you do not believe it is correct that we should put into the constitution a judicial interpretation; that you know of no others like this. I would only point out to you that only 2 other areas comparable to this one, the matter of recall, are the matters of the initiative and the referendum. You will recollect that the provisions relative to the initiative and the referendum are specifically and expressly detailed in the constitution so that the question of cause could not come up because, very conceivably, if they were not, people who wanted to initiate legislation as a popular movement would have to give reasons for the initiating of such legislation. And with respect to the rejecting of legislation on the referendum, they would have to give reasons why this legislation should be rejected and this would be subject to judicial review. I am certain that this is not what you contemplate with respect to the initiative and the referendum and it shouldn't be contemplated with respect to recall.

I would also like to point out that the Comparative Analysis that many of you may be relying upon that dealt with this subject that was furnished to you, the 2 volume work annotating the judicial decisions and so on, included the last case that Mrs. Judd and Mr. Goebel were talking about; in other words, the case of Amberg vs. Welsh but it didn't cover the case of Wallace vs. Tripp, which was a more recent case and which is the case which has decided the question for Michigan on this subject. So maybe some of you have gotten a mistaken interpretation because the Comparative Analysis that you have read with respect to this question does not show the judicial interpretation that is presently the law of Michigan.

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: Mr. Chairman and members of the committee, during my experience, I've happened to be on both sides of this recall question and I have seen some very spurious recall petitions and I think we're opening the door to a lot of questionable tactics on the part of people. Maybe they're a little more honest in their political relations in Grand Rapids than they are in my community. But I have seen a lot of spurious recall petitions and I'm for the Faxon amendment to strike this out.

CHAIRMAN MARTIN: The question is on the Faxon amendment. Mr. Brown.

MR. G. E. BROWN: A question of Mr. Millard, Mr. Chairman, if I may: how many elections have been held, to your knowledge, Mr. Millard, based on spurious reasons or which were vexatious in nature?

CHAIRMAN MARTIN: Mr. Millard.

MR. MILLARD: I can't answer the number but I know of several that have been thrown out by the court because they didn't think there were sufficient grounds.

CHAIRMAN MARTIN: The question is on the Faxon amendment.

MR. FAXON: Division.

CHAIRMAN MARTIN: A division has been requested. Is the demand supported? Sufficient number up. All those in favor will vote aye. Those opposed will vote nay. The question is on the Faxon amendment to strike the last sentence of the committee-Brown amendment. Have you all voted? If so, the secretary will lock the machine and tally the vote.

MR. NORRIS: I think there is confusion, Mr. Chairman, with regard to what a vote yes and a vote no means on this.

CHAIRMAN MARTIN: A vote yes is to strike the last sentence. A vote no is to retain the last sentence. You may change your vote when the vote has been recorded here and before the secretary announces it.

SECRETARY CHASE: On the adoption of the Faxon amendment to strike out the last sentence of the amendment proposed by Mr. Garry Brown, the yeas are 46; the nays are 55.

CHAIRMAN MARTIN: The amendment is not adopted. The question is now on the original amendment. The secretary will read the amendment.

SECRETARY CHASE: Garry Brown has offered the following amendment to section g:

[The amendment was again read by the secretary. For text, see above, page 2263.]

CHAIRMAN MARTIN: The question is on the amendment. All those in favor will signify by saying aye. Opposed, say nay.

The amendment is adopted.

DELEGATES: Division.

CHAIRMAN MARTIN: Division is requested. Is the demand supported?

MR. G. E. BROWN: The yeas and nays, Mr. Chairman.

CHAIRMAN MARTIN: The yeas and nays are requested. Is the demand supported? Sufficient number up. This is a record roll call vote. The question is on the committee amendment.

MR. MADAR: Mr. Chairman, I ask that the board be cleared. There were several votes on there before—

CHAIRMAN MARTIN: The board will be cleared.

MR. POLLOCK: Mr. Chairman, the question is not on the committee amendment. It is the Brown amendment to the committee proposal.

CHAIRMAN MARTIN: Mr. Secretary, the Chair understood that had been accepted as a part of the committee proposal. Dr. Pollock, you did not accept this as a part of your proposal?

MR. POLLOCK: That's right. I said we had no objection to this amendment.

CHAIRMAN MARTIN: The Chair is not sure whether this was accepted as a part of your proposal or whether this is a separate amendment to your proposal.

MR. POLLOCK: I did not accept it as a part of the committee's proposal. I said we had no objection to this.

CHAIRMAN MARTIN: Then the question is on the Brown amendment to the committee proposal. Mr. T. S. Brown.

MR. T. S. BROWN: Matter of inquiry. If you were to vote no on the Brown amendment, you would still have an opportunity to vote yes then on the committee proposal, were the Brown amendment to fail?

CHAIRMAN MARTIN: That's correct. The question is on the Brown amendment. Mr. Norris.

MR. NORRIS: Mr. Chairman, if I may, I should like to add just one observation: I respectfully want to pay my debt to Mr. Brown for the reasons that he advanced with regard to this and the research and study that he displayed with regard to it, but I think that closer inspection of this particular matter might indicate that it raises more problems constitutional, statutory and pragmatic than would justify its insertion in the constitution. I would respectfully urge that you vote no on this amendment.

CHAIRMAN MARTIN: Mr. Brown.

MR. G. E. BROWN: Mr. Chairman, members of the committee, I would only suggest to Dr. Norris that maybe closer inspection by him of the inspection that he has already done would prove that it's advisable to have this in the constitution.

CHAIRMAN MARTIN: The question is on the Brown amendment. Those in favor will vote aye. Those opposed will vote nay. 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—62		
Batchelor	Habermehl	Plank
Beaman	Hanna, W. F.	Pollock
Bentley	Haskill	Powell
Blandford	Hatch	Prettie
Brake	Heideman	Pugsley
Brown, G. E.	Higgs	Richards, J. B.
Butler, Mrs.	Hoxie	Richards, L. W.
Conklin, Mrs.	Iverson	Romney
Cushman, Mrs.	Judd, Mrs.	Rush
Danhof	Karn	Shaffer
Dehnke	King	Sharpe
DeVries	Knirk, B.	Spitler
Donnelly, Miss	Koeze, Mrs.	Stafseth
Douglas	Kuhn	Staiger
Durst	Lawrence	Sterrett
Everett	Leibrand	Stevens
Farnsworth	Lepplen	Tubbs

Figy	McAllister	Turner
Follo	McLogan	Upton
Goebel	Page	Yeager
Gust	Perras	
Nays—45		
Allen	Greene	Pellow
Andrus, Miss	Hart, Miss	Perlich
Anspach	Hood	Sablich
Balcer	Hubbs	Seyferth
Barthwell	Hutchinson	Shanahan
Bledsoe	Jones	Snyder
Bonisteel	Krolkowski	Stopezynski
Brown, T. S.	Lesinski	Thomson
Buback	Liberato	Tweedie
Dade	Madar	Walker
Doty, Dean	McGowan, Miss	Wanger
Elliott, Mrs. Daisy	Millard	White
Faxon	Murphy	Wilkowski
Finch	Nord	Wood
Garvin	Norris	Woelfenden

SECRETARY CHASE: On the adoption of the amendment offered by Mr. Garry Brown, the yeas are 62; the nays are 45.

CHAIRMAN MARTIN: The amendment is adopted. Are there any further amendments?

SECRETARY CHASE: No further amendments to section g, Mr. Chairman.

CHAIRMAN MARTIN: So the section will be agreed to.

Section g is agreed to as amended.

SECRETARY CHASE: Section h.

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

CHAIRMAN MARTIN: Dr. Pollock.

MR. POLLOCK: This is the final section of article III, the committee proposal. I will call on Mr. Leppien to present it.

MR. LEPPIEN: Mr. Chairman and fellow delegates, section h has to do with the state board of canvassers established by a constitutional amendment as a result of a joint resolution in the legislature in 1955. Before we proceed, maybe the secretary should read that, or have you read it?

CHAIRMAN MARTIN: The section has just been read.

MR. LEPPIEN: Okay. The section that we are presently considering is found in Journal 69 and the comments are found on page 413.

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

The one thing that we had in the committee was testimony from the director of elections, Mr. Montgomery, and his associates in that field, that the work of the present state board of canvassers was such that it was something that we should retain in the constitution, although, of course, we realized too that it is somewhat legislative in character. On the other hand, back in '55 when the legislature in its wisdom submitted this question to the people, it was approved by a vast vote, and those of us who have had to work with the state board of canvassers dealing with a statewide recount certainly know from experience that this is a very wise and able piece of legislation that should be retained in the constitution.

CHAIRMAN MARTIN: The secretary has an amendment, which the Chair will ask him to read.

SECRETARY CHASE: Mr. Hutchinson offers the following amendment:

1. Amend page 2, line 27, by striking out all of section h.

CHAIRMAN MARTIN: Mr. Hutchinson.

MR. HUTCHINSON: Mr. Chairman, I offer this amendment to strike section h because it does not appear to me to be necessary to create a state board of canvassers in our constitution. We don't feel it necessary to create local boards of canvassers by the constitution. We are entirely satisfied to let the legislature provide for the creation of county boards of

canvassers by statute. And as a matter of fact, section h is not self executing. I know quite a little bit about section h because I'm the author of it. The language that is now in the constitution of Michigan, I drafted. The constitutional joint resolution back in 1955, when I was a member of the senate, quite like lots of things which the legislature undertakes to do, was very statutory in phraseology. It was filled with detail. My recollection of the joint resolution as it came to the senate floor was that it required a couple or 3 pages in bill form and it set forth all the duties of the board and all that sort of thing, and in the end, this section h as you have it before you, was adopted by the legislature, submitted to the people and adopted by them. Now there wasn't any real reason, even back in 1955, for the constitutional creation of a board of canvassers except for the fact that we already had a constitutional state board of canvassers. It was an ex officio board. It was made up of the secretary of state, the state treasurer and the superintendent of public instruction. Since we already had a state board of canvassers in the constitution, it occurred to the legislature it would be quite unreasonable and unlikely that we could simply recommend to the people that that board of canvassers be abolished. So we had to submit a positive statement in the constitution to take care of the positive statement that was already there.

But fellow delegates, you and I are not in that position. We are writing a new constitution and there isn't any reason for a constitutional reference to a state board of canvassers. If you are honestly looking for opportunities here to remove from the constitution boards and commissions which need not have constitutional reference, then this is one of them. I say again, nobody is shocked at the idea that the legislature may by statute and without any constitutional direction create county boards of canvassers. It follows that the legislature will create by statute state boards of canvassers, and as a matter of fact, there wouldn't be any state board of canvassers even today if it were not for a statute, because the present language of the present constitution says that a board of state canvassers consisting of 4 members shall be established by law. And so the existence of the board is dependent upon that law.

The reason for the present provision is, as I said, merely an accident of history whereby the legislature had to find some words to supersede what everybody agreed was no longer a satisfactory arrangement so far as the state board of canvassers is concerned, that ex officio board. And if it had not been a constitutional board back in 1955, if the constitution had been silent in 1955, and if the state board of canvassers had rested entirely upon the creation of a legislative act back in those days, the legislature could have changed the situation simply by amending the law and it would have been unnecessary to go to the people at all.

I submit to you that for those reasons, it would be an improvement, from the standpoint of constitutional structure, to remove from this constitution the state board of canvassers, just as you have seen fit to remove the state board of escheats and so on.

MR. MADAR: Mr. Chairman.

CHAIRMAN MARTIN: Mr. Madar.

MR. MADAR: Mr. Chairman, fellow delegates, I am sort of reminded of the time when I happened to head a civic organization in which I thought we ought to make the rules and regulations just as stringent as we possibly could, and we wanted the best of everything in there. Included in there, one of the bylaws, was that no officer could run for political office without resigning from the organization. Mr. Hutchinson reminds me of that today very much.

I remember very well when they established the board of canvassers, and I think it was a very good thing. I still think so today. Maybe the thought just doesn't work out quite so well for Mr. Hutchinson today as it did at that time, just the same as that particular bylaw didn't work out so well for me later on because I wanted to run for political office and I thought how nice it would have been had I been able to remain an officer. Of course, Mr. Hutchinson wasn't a member of the board of canvassers. But there are other very

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 thereon, 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, Perlch, 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 apportionment; 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	Krolkowski	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 Proposal 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.

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 cleant cut 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	Tweddie
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
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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
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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	Leibbrand	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**

Sec.	Proposal
1.	Political Power 15- 1
2.	Equal Protection under the Law 26a
3.	Right of Assembly and Petition 15- 2
4.	Freedom of Worship 15- 3
5.	Liberty of Speech and Press 15- 4
6.	Right to bear arms 15- 5
7.	Civil Power Supreme 15- 6
8.	Quartering of Soldiers 15- 7
9.	Slavery Prohibited 15- 8
10.	Attainder; ex post facto laws; impairment of contracts 15- 9
11.	Searches and Seizures 15-10
12.	Habeas Corpus 15-11
13.	Appearance in Person or by Counsel . 15-12
14.	Jury trial 15-13
15.	Former Jeopardy; Bailable Offenses 15-14
16.	Bail; Fines; Punishments, detention of witnesses 15-15
17.	Self-incrimination; due process of law 15-16
18.	Competency of witnesses 15-17
19.	Libels; truth as defense 15-18
20.	Rights of accused 15-19
21.	Imprisonment for debt or military fine 15-20
22.	Treason; definition, evidence 15-21
23.	Enumeration of Rights not to deny others 15- 1

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

Sec.	Com. Proposal
1. Qualifications	58a
2. Legislature may exclude certain persons from voting	58b
3. Presidential electors, residence	58c
4. Elections, Place and Manner	58d
5. Elections, Time	58e
6. Expenditure of Money	58f
7. Board of Canvassers	58h
8. Recall	58g
9. Initiative and Referendum	118b

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

1 removed [t]herefrom. The legislature [may pro-
2 vide the manner of voting by such persons but]
3 shall not permit voting by any [such] person who
4 meets the voting residence requirements of the
5 state to which he has removed.

6 Sec. 4. The legislature shall enact laws to reg-
7 ulate the time, place [,] and manner of all nom-
8 inations and elections, except as otherwise pro-
9 vided in this constitution or in the constitution
10 and laws of the United States. The legislature
11 shall enact laws to preserve the purity of elec-
12 tions, to preserve the secrecy of the ballot, to
13 guard against abuses of the elective franchise,
14 and to provide for a system of voter registration
15 and absentee voting. No law shall be enacted
16 which permits a candidate in any partisan pri-
17 mary or partisan election to have a ballot desig-
18 nation except when required for identification
19 of [persons who are] candidates for the same
20 office WHO [and] have the same or similar sur-
21 names.

22 Sec. 5. Except for special elections to fill va-
23 cancies, OR AS OTHERWISE PROVIDED IN
24 THIS CONSTITUTION, all elections for national,
25 state, county and township offices shall be held on
26 the first Tuesday after the first Monday in Novem-
27 ber in each even-numbered year[,] or on such
28 other date as MEMBERS OF THE CONGRESS
29 OF THE UNITED STATES ARE REGULARLY
30 ELECTED [may hereafter be provided by the
31 Constitution of the United States or by congress
32 for election of members thereof].

33 Sec. 6. Whenever any question is REQUIRED
34 TO BE submitted BY A POLITICAL SUBDIVI-
35 SION to [a vote of] the electors which involves
36 THE INCREASE OF ANY AD VALOREM TAX
37 RATE LIMITATION FOR A PERIOD OF MORE
38 THAN FIVE YEARS, the direct expenditure
39 of public money, OR the issue of bonds, [or the
40 increase of any ad valorem tax rate for a period
41 of more than 5 years,] only [persons having the
42 qualifications of] electors in, and who have prop-
43 erty assessed for any ad valorem taxes in, any
44 part of the district or territory to be affected
45 by the result of such election or the lawful hus-
46 bands or wives of such persons shall be entitled
47 to vote thereon. All ELECTORS IN THE DIS-
48 TRICT OR TERRITORY AFFECTED [persons
49 having the qualifications of electors] may vote
50 on all other questions, [involving an increase in
51 any ad valorem tax rate and on borrowing by
52 this state.]

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

60 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 LEGISLA-
TIVE SESSION AT WHICH THE LAW WAS
ENACTED. To invoke the initiative or referen-
dum, petitions signed by a number of registered
electors, not less than [8] EIGHT percent for initia-
tive 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 IN-
VOKED 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 legisla-
ture without change or amendment within 40 days
from the time such petition is received by the legis-
lature. 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 rejec-
tion at the next [ensuing] general election. The
legislature may reject any measure so proposed
by initiative petition and propose a different meas-
ure 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
1. Seat	10a
2. Division of Powers	21a
3. Great Seal	18a
4. Militia	19a
5. Inter-Governmental Agreements ...	128a
6. Internal Improvement	101a
7. Laws remain in effect	44a
8. Advisory Opinions	96k

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.

ARTICLE IV LEGISLATIVE BRANCH

Sec.	Com. Proposal
1. Legislative Power, where vested	118a
2. Senate, Number, Term, Districts	80a
3. Representatives, Number, Term, Districts	80b
4. Legislative Districts, merger	80c
5. Island Areas	
6. Legislative Apportionment Commission	79a
7. Legislators, qualifications, removal ..	32a
8. Ineligibility of certain persons for office	112a
9. Legislators, ineligibility for certain appointments	120a
10. Conflict of interest	115a
11. Legislators, privileges	33a
12. Legislators, compensation	28a
13. Legislature, time of convening	116a
14. Senate and House, quorums	34a
15. Legislative Council	102c
16. Legislature, powers, rules	102a
17. Legislature, committees	102b
18. Legislature, journals, protest	114a

1	19.	Legislature, elections, recorded vote .	117a
2	20.	Legislature, open public meetings ...	103a
3	21.	Legislature, consent to adjourn	103a
4	22.	Bills	35a
5	23.	Style of laws	29a
6	24.	Laws, object and title	
7		First sentence	121a
8		Last sentence	105a
9	25.	Laws, revision	121a
10	26.	Bills, requirements for passage	
11		First sentence	105a
12		Remainder	104a
13	27.	Acts, immediate effect	121a
14	28.	Bills, subjects at special session	105a
15	29.	Local or special acts, referendum	119a
16	30.	Appropriations for local purposes ...	41a
17	31.	General appropriations, priority	46b
18	32.	Tax laws, title	53a
19	33.	Bills passed, approval and veto by	
20		governor	70a
21	34.	Referendum on certain bills	113a
22	35.	Publication of laws	24a
23	36.	Revision of laws, compilation	108a
24	37.	Administrative rules, suspension	123a
25	38.	Filling vacancies	122a
26	39.	Continuity of government	122a
27	40.	Liquor Control Commission	27a
28	41.	Lotteries	100a
29	42.	Ports and port districts	87a
30	43.	Banking and trust company laws	5a
31	44.	Jury in civil cases	99a
32	45.	Indeterminate sentences	106a
33	46.	Prohibition against death penalty	20a
34	47.	Chaplains	111a
35	48.	Resolution of public disputes	109a
36	49.	Regulation of employment	110a
37	50.	Atomic energy	127a
38	51.	Public Health	126a
39	52.	Natural resources	125a
40	53.	Auditor General	78a

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 per-

centage 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.

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

12 Sec. 17. Each house of the legislature may
13 establish the committees necessary for the effi-
14 cient conduct of its business and the legislature
15 may create joint committees. Each committee
16 shall [keep a recorded] BY roll call vote RECORD
17 THE VOTE AND NAME [by yeas and nays] of
18 all action on bills and resolutions taken in the
19 committee. Such vote shall be available FOR [to]
20 public inspection. Notice of all committee hear-
21 ings and a clear statement of all subjects to be
22 considered at each hearing shall be published in
23 the journal in advance of the hearing.

24 Sec. 18. Each house shall keep a journal of
25 its proceedings, and publish the same unless se-
26 curity otherwise requires. The [yeas and nays]
27 RECORD OF THE VOTE AND NAME of the
28 members of either house VOTING on any question
29 shall be entered in the journal at the request of
30 [1/5] ONE-FIFTH of the members present. Any
31 member of either house may dissent from and
32 protest against any act, proceeding or resolution
33 which he deems injurious to any person or the
34 public, and have the reason for his dissent entered
35 in the journal.

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

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

45 Sec. 21. Neither house shall, without the con-
46 sent of the other, adjourn for more than [3] TWO
47 INTERVENING CALENDAR days, nor to any
48 place other than where the legislature may then
49 be in session.

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

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

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

60 Sec. 25. No law shall be revised, altered or

1 amended by reference to its title only. The section
2 or sections of the act altered or amended shall
3 be re-enacted and published at length.

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

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

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

27 Sec. 29. The legislature shall pass no local
28 or special act in any case where a general act can
29 be made applicable, and whether a general act
30 can be made applicable shall be a judicial question.
31 No local or special act shall take effect until
32 approved by TWO-THIRDS [2/3] of the mem-
33 bers elected to and serving in each house [of the
34 legislature] and by a majority of the electors vot-
35 ing thereon in the district [to be] affected. Any
36 act repealing local or special acts [in effect as of
37 the effective date of this constitution] shall re-
38 quire only a majority of the members elected to
39 and serving in each house and shall not require
40 submission to the electors of such district.

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

46 Sec. 31. The general appropriation bills for the
47 succeeding fiscal period covering items set forth
48 in the budget shall be passed or rejected in either
49 house of the legislature before that house passes
50 any appropriation bill for items not in the budget
51 except bills supplementing appropriations for the
52 current FISCAL year's operation. Any bill re-
53 quiring an appropriation to carry out its purpose
54 shall be considered an appropriation bill. One of
55 the general appropriation bills as passed by the
56 legislature shall contain an itemized statement of
57 estimated revenue by major source in each oper-
58 ating fund for the ensuing fiscal period, the total
59 of which shall not be less than the total of all
60 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

Sec.	Com. Proposal
1. Executive Power—where vested	2a
2. Principal Departments (part Schedule)	71b
3. Same, Appointment	71b
4. Licensing Boards	71b
5. Advice and Consent, Definition (part Schedule)	71g
6. Appointments, Senate not in Session .	71e
7. Principal Departments, supervision of governor	71d
8. Principal Departments, offices	71c
9. Power of Removal	71g
10. Provisional Appointment	71f
11. Governor—Commander in Chief	3a
12. Same—Writs of Election	7a
13. Same—Reprieves and Pardons	16a
14. Same—Convene Legislature	8a
15. Same—Convene Legislature away from Seat	9a
16. Same—Communicate to Legislature .	4a
17. Same—Budget	46a
18. Same—Disapproval Appropriation . .	46c
19. Appropriation—No mandate to spend	46d
20. State Officers (part Schedule)	71a
21. Eligibility for Office	17a
22. State Officer Compensation	75a
23. Executive Residence	77a
24. Lieutenant Governor, duties	71b
25. Succession to Governorship	59–60a
26. Same—Salary	72a

27. Highway Commission 71h
 28. Civil Rights Commission 71A

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 [devolvment] 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

Sec.	Com. Proposal
1. Judicial power	90a
2. Supreme Court; justices, election, term	91a
3. Supreme Court; chief justice	91b
4. Supreme Court; jurisdiction	91c
5. Supreme Court; rules	91d
6. Supreme Court; written decisions ..	91e
7. Supreme Court, staff supervision ...	91f
8. Court of Appeals; judges, elections..	92a
9. Court of Appeals; terms	92b
10. Court of Appeals; jurisdiction	92c
11. Judicial Circuits; districts	93a
12. Circuit Courts; elections, terms	93b
13. Circuit Courts; jurisdiction	93c
14. Clerk; vacancies	93d
15. Probate Courts; jurisdiction	94a
16. Probate Courts; judges, elections ...	94b
17. Salaries; restriction	96a-1
18. Salaries; uniformity	96g
19. Courts of Record; seal	96a
20. Judge; removal from domicile	96b
21. Judges; ineligibility for other office..	96c
22. Candidacy; affidavit	96l
23. Vacancy; courts of record	96d
24. Judges; ballot designation	96e
25. Removal	96h
26. Certain offices abolished	96i
27. Prohibition; power of appointment ..	96n
28. Administrative decisions; review ...	95a
29. Conservators of peace	96o

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] PRE-SCRIBED 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 AP-PROVED IN EACH AFFECTED COUNTY BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION. [or combine] THE LEGISLA-

TURE 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

Sec.	Com. Proposal
1. Counties; corporate character	81a
2. Counties; charter	89a
3. Townships in county	81b
4. County officers	81c
5. Offices at County Seat	81d
6. Sheriff, ineligibility other office, security responsibility for acts	81e
7. Board of Supervisors; representation from cities	81f
8. Board of Supervisors; powers	81g
9. Board of Supervisors; power over compensation	81h
10. Removal of County Seat	81j
11. Indebtedness; limitation	81i
12. Navigable Streams; permission to bridge or dam	81k
13. County Consolidation	81n
14. Townships; organization and consolidation	81l
15. Counties; Intervention in rate proceedings	85c
16. Highways; powers of supervisors; county or district road system; tax limitation	86a
17. Township; corporate character	82a
18. Township officers	82c
19. Public Utility Franchises	82e
20. Townships, dissolution	82d
21. Cities & Villages; incorporation	83a
22. Charters; law and ordinances	83b
23. Power to acquire and maintain parks, hospitals	83c
24. Public utilities; power to own and operate	83e
25. Elective franchise; public utilities ..	83f

1	26. Taxation for private purposes	83d
2	27. Metropolitan Areas	88a
3	28. Intrastate Cooperation	88b
4	29. Highways, streets, etc.; use by util-	
5	ities; control	85a
6	30. Franchises; limitations	85b
7	31. Highways, streets, etc.; vacation, alter-	
8	ation	86b
9	32. Local Government	57a
10	33. Local Government article liberal con-	
11	struction	84a

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 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. [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

1 on the adoption of the constitution. The board
 2 of election commissioners in each county shall
 3 cause to be printed on a ballot separate from
 4 the ballot containing the names of the nominees
 5 for office, the words: ["] Shall the revised con-
 6 stitution be adopted? () Yes. () No. ["] All
 7 votes cast at THE [this] election shall be taken,
 8 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
Beam	Heldeman	Richards, J. B.
Bentley	Higgs	Richards, L. W.
Binkowski	Hodges	Romney
Blandford	Hoves	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	Krolkowski	Stafseth
Dehnke	Kuhn	Staiger
Dell	Lawrence	Stamm
DeVries	Leibbrand	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

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	Krolkowski	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	Sluder
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	Stopezynski
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. R.	

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 improve-

ments 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	Krolkowski	Snyder
Faxon	Madar	Walker

Finch
Follo

Mahinske
Marshall

Young
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 yeas and nays 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 ap-

proved 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-

1 | trict in the city with which it is combined, if
2 | provided by ordinance of the city. The district
3 | or districts with which the territory shall be
4 | combined shall be determined by such ordinance
5 | certified to the secretary of state. No such change
6 | in the boundaries of a representative or senatorial
7 | district shall have the effect of removing a legis-
8 | lator from office during his term.

9 | Sec. 5. Island areas are considered to be con-
10 | tiguous by land to the county of which they are
11 | a part.

12 | Sec. 6. A commission on legislative apportion-
13 | ment is hereby established consisting of eight
14 | persons, four of whom shall be selected by the
15 | state organizations of each of the two political
16 | parties whose candidates for governor received
17 | the highest vote at the last general election at
18 | which a governor was elected preceding each ap-
19 | portionment. If a candidate for governor of a third
20 | political party has received at such election more
21 | than 25 percent of such gubernatorial vote, the
22 | commission shall consist of 12 members, four of
23 | whom shall be selected by the state organization of
24 | the third political party. One member of the com-
25 | mission shall be selected by each political party or-
26 | ganization from each of the following four regions:
27 | (1) The upper peninsula; (2) The northern part of
28 | the lower peninsula, north of a line drawn along
29 | the northern boundaries of the counties of Bay,
30 | Midland, Isabella, Mecosta, Newaygo and Oceana;
31 | (3) Southwestern Michigan, those counties south
32 | of region (2) and west of a line drawn along
33 | the western boundaries of the counties of Bay,
34 | Saginaw, Shiawassee, Ingham, Jackson and Hills-
35 | dale; (4) Southeastern Michigan, the remaining
36 | counties of the state.

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

45 | The commission shall be appointed immediately
46 | after the adoption of this constitution and when-
47 | ever apportionment or districting of the legislature
48 | is required by the provisions of this constitution.
49 | Members of the commission shall hold office until
50 | each apportionment or districting plan becomes
51 | effective. Vacancies shall be filled in the same
52 | manner as for original appointment.

53 | The secretary of state shall be secretary of
54 | the commission without vote, and in that capacity
55 | shall furnish, under the direction of the commis-
56 | sion, all necessary technical services. The com-
57 | mission shall elect its own chairman, shall make
58 | its own rules of procedure, and shall receive com-
59 | pensation provided by law. The legislature shall
60 | appropriate funds to enable the commission to

carry out its activities.

1 | Within 30 days after the adoption of this con-
2 | stitution, and after the official total population
3 | count of each federal decennial census of the state
4 | and its political subdivisions is available, the se-
5 | cretary of state shall issue a call convening the
6 | commission not less than 30 nor more than 45
7 | days thereafter. The commission shall complete
8 | its work within 180 days after all necessary census
9 | information is available. The commission shall
10 | proceed to district and apportion the senate and
11 | house of representatives according to the provi-
12 | sions of this constitution. All final decisions shall
13 | require the concurrence of a majority of the mem-
14 | bers of the commission. The commission shall hold
15 | public hearings as may be provided by law.

16 | Each final apportionment and districting plan
17 | shall be published as provided by law within 30
18 | days from the date of its adoption and shall be-
19 | come law 60 days after publication. The secre-
20 | tary of state shall keep a public record of all the
21 | proceedings of the commission and shall be re-
22 | sponsible for the publication and distribution of
23 | each plan.

24 | If a majority of the commission cannot agree
25 | on a plan, each member of the commission, indi-
26 | vidualy or jointly with other members, may sub-
27 | mit a proposed plan to the supreme court. The
28 | supreme court shall determine which plan com-
29 | plies most accurately with the constitutional re-
30 | quirements and shall direct that it be adopted
31 | by the commission and published as provided
32 | in this section.

33 | Upon the application of any elector filed not
34 | later than 60 days after final publication of the
35 | plan, the supreme court, in the exercise of origi-
36 | nal jurisdiction, shall direct the secretary of
37 | state or the apportionment commission to per-
38 | form their duties, may review any final plan
39 | adopted by the commission, and shall remand
40 | such plan to the commission for further action
41 | if it fails to comply with the requirements of
42 | this constitution.

43 | Sec. 7. Each senator and representative
44 | must be a citizen of the United States, at least
45 | 21 years of age, and an elector of the district
46 | he represents. The removal of his domicile from
47 | the district shall be deemed a vacation of the
48 | office. No person who has been convicted of sub-
49 | version or who has within the preceding 20 years
50 | been convicted of a felony involving a breach
51 | of public trust shall be eligible for either house
52 | of the legislature.

53 | Sec. 8. No person holding any office under the
54 | United States or this state or a political subdi-
55 | vision thereof, except notaries public and officers
56 | of the armed forces reserve, may be a member of
57 | either house of the legislature.

58 | Sec. 9. No person elected to the legislature
59 | shall receive any civil appointment within this
60 |

1 state from the governor, except notaries public,
2 from the legislature, or from any other state
3 authority, during the term for which he is elected.

4 Sec. 10. No member of the legislature nor any
5 state officer shall be interested directly or in-
6 directly in any contract with the state or any
7 political subdivision thereof which shall cause a
8 substantial conflict of interest. The legislature
9 shall further implement this provision by appro-
10 priate legislation.

11 Sec. 11. Senators and representatives shall be
12 privileged from civil arrest and civil process dur-
13 ing sessions of the legislature and for five days
14 next before the commencement and after the
15 termination thereof. They shall not be ques-
16 tioned in any other place for any speech in either
17 house.

18 Sec. 12. The compensation and expense al-
19 lowances of the members of the legislature shall
20 be determined by law. Changes in compensation
21 or expense allowances shall become effective only
22 when legislators commence their terms of office
23 after a general election.

24 Sec. 13. The legislature shall meet at the seat
25 of government on the second Wednesday in Janu-
26 ary of each year at twelve o'clock noon. Each
27 regular session shall adjourn without day, on a
28 day determined by concurrent resolution, at
29 twelve o'clock noon. Any business, bill or joint
30 resolution pending at the final adjournment of
31 a regular session held in an odd numbered year
32 shall carry over with the same status to the
33 next regular session.

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

41 Sec. 15. There shall be a bi-partisan legisla-
42 tive council consisting of legislators appointed in
43 the manner prescribed by law. The legislature
44 shall appropriate funds for the council's opera-
45 tions and provide for its staff which shall main-
46 tain bill drafting, research and other services
47 for the members of the legislature. The council
48 shall periodically examine and recommend to the
49 legislature revision of the various laws of the
50 state.

51 Sec. 16. Each house, except as otherwise pro-
52 vided in this constitution, shall choose its own
53 officers and determine the rules of its proceedings,
54 but shall not adopt any rule that will prevent a
55 majority of the members elected thereto and
56 serving therein from discharging a committee
57 from the further consideration of any measure.
58 Each house shall be the sole judge of the quali-
59 fications, elections and returns of its members,
60 and may, with the concurrence of two-thirds of

1 all the members elected thereto and serving
2 therein, expel a member. The reasons for such
3 expulsion shall be entered in the journal, with
4 the votes and names of the members voting upon
5 the question. No member shall be expelled a
6 second time for the same cause.

7 Sec. 17. Each house of the legislature may
8 establish the committees necessary for the effi-
9 cient conduct of its business and the legislature
10 may create joint committees. Each committee
11 shall by roll call vote record the vote and name
12 of all action on bills and resolutions taken in
13 the committee. Such vote shall be available for
14 public inspection. Notice of all committee hear-
15 ings and a clear statement of all subjects to be
16 considered at each hearing shall be published in
17 the journal in advance of the hearing.

18 Sec. 18. Each house shall keep a journal of
19 its proceedings, and publish the same unless the
20 public security otherwise requires. The record
21 of the vote and name of the members of either
22 house voting on any question shall be entered
23 in the journal at the request of one-fifth of the
24 members present. Any member of either house
25 may dissent from and protest against any act,
26 proceeding or resolution which he deems injuri-
27 ous to any person or the public, and have the
28 reason for his dissent entered in the journal.

29 Sec. 19. All elections in either house or in
30 joint convention and all votes on appointments
31 submitted to the senate for advice and consent
32 shall be published by vote and name in the journal.

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

35 Sec. 21. Neither house shall, without the con-
36 sent of the other, adjourn for more than two
37 intervening calendar days, nor to any place other
38 than where the legislature may then be in session.

39 Sec. 22. All legislation shall be by bill and
40 may originate in either house.

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

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

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

53 Sec. 26. No bill shall be passed or become a
54 law at any regular session of the legislature until
55 it has been printed or reproduced and in the pos-
56 session of each house for at least five days. Every
57 bill shall be read three times in each house be-
58 fore the final passage thereof. No bill shall be-
59 come a law without the concurrence of a majority
60 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 be-

come 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.

1 Sec. 20. Whenever a justice or judge removes
2 his domicile beyond the limits of the territory
3 from which he was elected, he shall have vacated
4 his office.

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

10 Sec. 22. Any elected judge of the court of
11 appeals, circuit court or probate court may be-
12 come a candidate in the primary election for the
13 office of which he is the incumbent by filing an
14 affidavit of candidacy in the form and manner
15 prescribed by law.

16 Sec. 23. A vacancy in the elective office of a
17 judge of any court of record shall be filled at a
18 general or special election as provided by law.
19 The supreme court may authorize persons who
20 have served as judges and who have retired, to
21 perform judicial duties for the limited period of
22 time from the occurrence of the vacancy until
23 the successor is elected and qualified. Such per-
24 sons shall be ineligible for election to fill the
25 vacancy.

26 Sec. 24. There shall be printed upon the ballot
27 under the name of each elected incumbent justice
28 or judge who is a candidate for nomination or
29 election to the same office the designation of
30 that office.

31 Sec. 25. For reasonable cause, which is not
32 sufficient ground for impeachment, the governor
33 shall remove any judge on a concurrent resolution
34 of two-thirds of the members elected to and serv-
35 ing in each house of the legislature. The cause
36 for removal shall be stated at length in the
37 resolution.

38 Sec. 26. The offices of circuit court commis-
39 sioner and justice of the peace are abolished at
40 the expiration of five years from the date this
41 constitution becomes effective or may within this
42 period be abolished by law. Their jurisdiction,
43 compensation and powers within this period shall
44 be as provided by law. Within this five-year period,
45 the legislature shall establish a court or courts
46 of limited jurisdiction with powers and jurisdic-
47 tion defined by law. The location of such court
48 or courts, and the qualifications, tenure, method
49 of election and salary of the judges of such court
50 or courts, and by what governmental units the
51 judges shall be paid, shall be provided by law,
52 subject to the limitations contained in this Article.

53 Statutory courts in existence at the time this
54 constitution becomes effective shall retain their
55 powers and jurisdiction, except as provided by
56 law, until they are abolished by law.

57 Sec. 27. The supreme court, the court of ap-
58 peals, the circuit court, or any justices or judges
59 thereof, shall not exercise any power of appoint-
60 ment to public office except as provided in this

constitution.

1 Sec. 28. All final decisions, findings, rulings
2 and orders of any administrative officer or agency
3 existing under the constitution or by law, which
4 are judicial or quasi-judicial and affect private
5 rights or licenses, shall be subject to direct re-
6 view by the courts as provided by law. This re-
7 view shall include, as a minimum, the determina-
8 tion whether such final decisions, findings, rulings
9 and orders are authorized by law; and, in cases in
10 which a hearing is required, whether the same
11 are supported by competent, material and sub-
12 stantial evidence on the whole record. Findings
13 of fact in workmen's compensation proceedings
14 shall be conclusive in the absence of fraud un-
15 less otherwise provided by law.

16 Sec. 29. Justices of the supreme court, judges
17 of the court of appeals, circuit judges and other
18 judges as provided by law shall be conservators
19 of the peace within their respective jurisdictions.

Article VII

Local Government

1 Sec. 1. Each organized county shall be a body
2 corporate with powers and immunities provided
3 by law.

4 Sec. 2. Any county may frame, adopt, amend
5 or repeal a county charter in a manner and with
6 powers and limitations to be provided by general
7 law, which shall among other things provide for
8 the election of a charter commission. The law
9 may permit the organization of county govern-
10 ment in form different from that set forth in this
11 constitution and shall limit the rate of ad valorem
12 property taxation for county purposes, and re-
13 strict the powers of charter counties to borrow
14 money and contract debts. Each charter county
15 is hereby granted power to levy other taxes for
16 county purposes subject to limitations and pro-
17 hibitions set forth in this constitution or law.
18 Subject to law, a county charter may authorize
19 the county through its regularly constituted
20 authority to adopt resolutions and ordinances re-
21 lating to its concerns.

22 The board of supervisors by a majority vote
23 of its members may, and upon petition of five
24 percent of the electors shall, place upon the ballot
25 the question of electing a commission to frame a
26 charter.

27 No county charter shall be adopted, amended
28 or repealed until approved by a majority of elec-
29 tors voting on the question.

30 Sec. 3. No organized county shall be reduced
31 by the organization of new counties to less than
32 16 townships as surveyed by the United States,
33 unless approved in the manner prescribed by law
34 by a majority of electors voting thereon in each
35 county to be affected.

36 Sec. 4. There shall be elected for four-year
37 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.

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60

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. Whenever 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.

1 Sec. 2. The legislature shall maintain and sup-
 2 port a system of free public elementary and sec-
 3 ondary schools as defined by law. Every school
 4 district shall provide for the education of its
 5 pupils without discrimination as to religion, creed,
 6 race, color or national origin.

7 Sec. 3. Leadership and general supervision over
 8 all public education, including adult education and
 9 instructional programs in state institutions, except
 10 as to institutions of higher education granting
 11 baccalaureate degrees, is vested in a state board
 12 of education. It shall serve as the general plan-
 13 ning and coordinating body for all public educa-
 14 tion, including higher education, and shall advise
 15 the legislature as to the financial requirements
 16 in connection therewith.

17 The state board of education shall appoint a
 18 superintendent of public instruction whose term
 19 of office shall be determined by the board. He
 20 shall be the chairman of the board without the
 21 right to vote, and shall be responsible for the
 22 execution of its policies. He shall be the principal
 23 executive officer of a state department of educa-
 24 tion which shall have powers and duties provided
 25 by law.

26 The state board of education shall consist of
 27 eight members who shall be nominated by party
 28 conventions and elected at large for terms of
 29 eight years as prescribed by law. The governor
 30 shall fill any vacancy by appointment for the
 31 unexpired term. The governor shall be ex-officio
 32 a member of the state board of education with-
 33 out the right to vote.

34 The power of the boards of institutions of higher
 35 education provided in this constitution to super-
 36 vise their respective institutions and control and
 37 direct the expenditure of the institutions' funds
 38 shall not be limited by this section.

39 Sec. 4. The legislature shall appropriate
 40 moneys to maintain the university of Michigan,
 41 Michigan State University, Wayne State Univer-
 42 sity, Eastern Michigan University, Michigan Col-
 43 lege of Science and Technology, Central Michi-
 44 gan University, Northern Michigan University,
 45 Western Michigan University, Ferris Institute,
 46 Grand Valley State College, by whatever names
 47 such institutions may hereafter be known, and
 48 other institutions of higher education established
 49 by law. The legislature shall be given an annual
 50 accounting of all income and expenditures by each
 51 of these educational institutions. Formal sessions
 52 of governing boards of such institutions shall be
 53 open to the public.

54 Sec. 5. The regents of the University of Michi-
 55 gan and their successors in office shall constitute
 56 a body corporate known as the Regents of the
 57 University of Michigan; the trustees of Michigan
 58 State University and their successors in office shall
 59 constitute a body corporate known as the Board
 60 of Trustees of Michigan State University; the

governors of Wayne State University and their
 successors in office shall constitute a body corpor-
 ate 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 su-
 pervision. He shall be the principal executive of-
 ficer 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 in-
 stitution 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 ap-
 pointee 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 in-
 stitution 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 mem-
 bers or may designate the president, to preside at
 board meetings. Each board of control shall con-
 sist 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 ad-
 vice 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 plan-
 ning 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. Va-
 cancies shall be filled in like manner. The super-
 intendent 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.

1 Sec. 9. The legislature shall provide by law for
2 the establishment and support of public libraries
3 which shall be available to all residents of the state
4 under regulations adopted by the governing bodies
5 thereof. All fines assessed and collected in the
6 several counties, cities and townships for any
7 breach of the penal laws shall be exclusively ap-
8 plied to the support of such public libraries, and
9 county law libraries as provided by law.

Article IX

Finance and Taxation

13 Sec. 1. The legislature shall impose taxes suf-
14 ficient with other resources to pay the expenses of
15 state government.

16 Sec. 2. The power of taxation shall never be
17 surrendered, suspended or contracted away.

18 Sec. 3. The legislature shall provide for the
19 uniform general ad valorem taxation of real and
20 tangible personal property not exempt by law. The
21 legislature shall provide for the determination of
22 true cash value of such property; the proportion
23 of true cash value at which such property shall
24 be uniformly assessed, which shall not, after
25 January 1, 1966, exceed 50 percent; and for a sys-
26 tem of equalization of assessments. The legislature
27 may provide for alternative means of taxation of
28 designated real and tangible personal property in
29 lieu of general ad valorem taxation. Every tax
30 other than the general ad valorem property tax
31 shall be uniform upon the class or classes on
32 which it operates.

33 Sec. 4. Property owned and occupied by non-
34 profit religious or educational organizations and
35 used exclusively for religious or educational pur-
36 poses, as defined by law, shall be exempt from
37 real and personal property taxes.

38 Sec. 5. The legislature shall provide for the
39 assessment by the state of the property of those
40 public service businesses assessed by the state
41 at the date this constitution becomes effective, and
42 of other property as designated by the legislature,
43 and for the imposition and collection of taxes
44 thereon. Property assessed by the state shall be
45 assessed at the same proportion of its true
46 cash value as the legislature shall specify for
47 property subject to general ad valorem taxation.
48 The rate of taxation on such property shall be
49 the average rate levied upon other property in this
50 state under the general ad valorem tax law, or,
51 if the legislature provides, the rate of tax applicable
52 to the property of each business enterprise assessed
53 by the state shall be the average rate of ad valorem
54 taxation levied upon other property in all counties
55 in which any of such property is situated.

56 Sec. 6. Except as otherwise provided in this
57 constitution, the total amount of general ad valo-
58 rem taxes imposed upon real and tangible per-
59 sonal property for all purposes in any one year
60 shall not exceed 15 mills on each dollar of the

1 assessed valuation of property as finally equalized.
2 Under procedures provided by law, which shall
3 guarantee the right of initiative, separate tax
4 limitations for any county and for the townships
5 and for school districts therein, the aggregate of
6 which shall not exceed 18 mills on each dollar of
7 such valuation, may be adopted and thereafter
8 altered by the vote of a majority of the qualified
9 electors of such county voting thereon, in lieu
10 of the limitation hereinbefore established. These
11 limitations may be increased to an aggregate of
12 not to exceed 50 mills on each dollar of valuation,
13 for a period of not to exceed 20 years at any one
14 time, if approved by a majority of the electors,
15 qualified under Section 6 of Article II of this
16 constitution, voting on the question.

17 The foregoing limitations shall not apply to
18 taxes imposed for the payment of principal and
19 interest on bonds or other evidences of indebted-
20 ness or for the payment of assessments or con-
21 tract obligations in anticipation of which bonds
22 are issued, which taxes may be imposed without
23 limitation as to rate or amount; or to taxes im-
24 posed for any other purpose by any city, vil-
25 lage, charter county, charter township, charter
26 authority or other authority, the tax limitations
27 of which are provided by charter or by general
28 law.

29 In any school district which extends into two
30 or more counties, property taxes at the highest
31 rate available in the county which contains the
32 greatest part of the area of the district may be
33 imposed and collected for school purposes through-
34 out the district.

35 Sec. 7. No income tax graduated as to rate
36 or base shall be imposed by the state or any of
37 its subdivisions.

38 Sec. 8. The legislature shall not impose a
39 sales tax on retailers at a rate of more than
40 four percent of their gross taxable sales of
41 tangible personal property.

42 Sec. 9. All specific taxes, except general sales
43 and use taxes and regulatory fees, imposed di-
44 rectly or indirectly on fuels sold or used
45 to propel motor vehicles upon highways and on
46 registered motor vehicles shall, after the payment
47 of necessary collection expenses, be used exclusi-
48 vely for highway purposes as defined by law.

49 Sec. 10. One-eighth of all taxes imposed on
50 retailers on taxable sales at retail of tangible
51 personal property shall be used exclusively for
52 assistance to townships, cities and villages, on
53 a population basis as provided by law. In de-
54 termining population the legislature may exclude
55 any portion of the total number of persons who
56 are wards, patients or convicts in any tax sup-
57 ported institution.

58 Sec. 11. There shall be established a state
59 school aid fund which shall be used exclusively
60 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 obli-

gation 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

1 shall be deposited in any bank in excess of 50
2 percent of the capital and surplus of such bank.
3 Any bank receiving deposits of state money shall
4 show the amount of state money so deposited as
5 a separate item in all published statements.

6 Sec. 21. The legislature shall provide by law
7 for the annual accounting for all public moneys,
8 state and local, and may provide by law for interim
9 accounting.

10 The legislature shall provide by law for the
11 maintenance of uniform accounting systems by
12 units of local government and the auditing of
13 county accounts by competent state authority
14 and other units of government as provided by law.

15 Sec. 22. Procedures for the examination and
16 adjustment of claims against the state shall be
17 prescribed by law.

18 Sec. 23. All financial records, accountings,
19 audit reports and other reports of public moneys
20 shall be public records and open to inspection. A
21 statement of all revenues and expenditures of pub-
22 lic moneys shall be published and distributed
23 annually, as provided by law.

24 Sec. 24. The accrued financial benefits of each
25 pension plan and retirement system of the state
26 and its political subdivisions shall be a contractual
27 obligation thereof which shall not be diminished
28 or impaired thereby.

29 Financial benefits arising on account of service
30 rendered in each fiscal year shall be funded during
31 that year and such funding shall not be used for
32 financing unfunded accrued liabilities.

Article X Property

33 Sec. 1. The disabilities of coverture as to prop-
34 erty are abolished. The real and personal estate of
35 every woman acquired before marriage and all
36 real and personal property to which she may after-
37 wards become entitled shall be and remain the
38 estate and property of such woman, and shall not
39 be liable for the debts, obligations or engagements
40 of her husband, and may be dealt with and dis-
41 posed of by her as if she were unmarried. Dower
42 may be relinquished or conveyed as provided by
43 law.

44 Sec. 2. Private property shall not be taken for
45 public use without just compensation therefor
46 being first made or secured in a manner prescribed
47 by law. The amount of compensation shall be
48 determined in proceedings in a court of record.

49 Sec. 3. A homestead in the amount of not less
50 than \$3,500 and personal property of every resi-
51 dent of this state in the amount of not less than
52 \$750, as defined by law, shall be exempt from
53 forced sale on execution or other process of any
54 court. Such exemptions shall not extend to any
55 lien thereon excluded from exemption by law.

56 Sec. 4. Procedures relating to escheats and to
57 the custody and disposition of escheated property

shall be prescribed by law.

58 Sec. 5. The legislature shall have general su-
59 pervisory jurisdiction over all state owned lands
60 useful for forest preserves, game areas and recrea-
61 tional purposes; shall require annual reports as
62 to such lands from all departments having super-
63 vision or control thereof; and shall by general law
64 provide for the sale, lease or other disposition of
65 such lands.

66 The legislature by an act adopted by two-thirds
67 of the members elected to and serving in each
68 house may designate any part of such lands as
69 a state land reserve. No lands in the state land
70 reserve may be removed from the reserve, sold,
71 leased or otherwise disposed of except by an act
72 of the legislature.

73 Sec. 6. Aliens who are residents of this state
74 shall enjoy the same rights and privileges in
75 property as citizens of this state.

Article XI

Public Officers and Employment

76 Sec. 1. All officers, legislative, executive and
77 judicial, before entering upon the duties of their
78 respective offices, shall take and subscribe the
79 following oath or affirmation: I do solemnly swear
80 (or affirm) that I will support the Constitution
81 of the United States and the constitution of this
82 state, and that I will faithfully discharge the duties
83 of the office of according to the best of
84 my ability. No other oath, affirmation, or any
85 religious test shall be required as a qualification
86 for any office or public trust.

87 Sec. 2. The terms of office of elective state
88 officers, members of the legislature and justices
89 and judges of courts of record shall begin at twelve
90 o'clock noon on the first day of January next suc-
91 ceeding their election, except as otherwise provided
92 in this constitution. The terms of office of county
93 officers shall begin on the first day of January
94 next succeeding their election, except as otherwise
95 provided by law.

96 Sec. 3. Neither the legislature nor any poli-
97 tical subdivision of this state shall grant or author-
98 ize extra compensation to any public officer, agent
99 or contractor after the service has been rendered
100 or the contract entered into.

101 Sec. 4. No person having custody or control of
102 public moneys shall be a member of the legislature,
103 or be eligible to any office of trust or profit under
104 this state, until he shall have made an accounting,
105 as provided by law, of all sums for which he may
106 be liable.

107 Sec. 5. The classified state civil service shall
108 consist of all positions in the state service except
109 those filled by popular election, heads of principal
110 departments, members of boards and commis-
111 sions, the principal executive officer of boards and
112 commissions heading principal departments, em-
113 ployees 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 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 author-

ized 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-

1 dence. When the governor or lieutenant governor
2 is tried, the chief justice of the supreme court
3 shall preside.

4 No person shall be convicted without the con-
5 currence of two-thirds of the senators elected and
6 serving. Judgment in case of conviction shall not
7 extend further than removal from office, but the
8 person convicted shall be liable to punishment
9 according to law.

10 No judicial officer shall exercise any of the
11 functions of his office after an impeachment is
12 directed until he is acquitted.

13 Article XII

14 Amendment & Revision

15 Sec. 1. Amendments to this constitution may
16 be proposed in the senate or house of representa-
17 tives. Proposed amendments agreed to by two-
18 thirds of the members elected to and serving in
19 each house on a vote with the names and vote of
20 those voting entered in the respective journals
21 shall be submitted, not less than 60 days there-
22 after, to the electors at the next general election
23 or special election as the legislature shall direct.
24 If a majority of electors voting on a proposed
25 amendment approve the same, it shall become
26 part of the constitution and shall abrogate or
27 amend existing provisions of the constitution at
28 the end of 45 days after the date of the election
29 at which it was approved.

30 Sec. 2. Amendments may be proposed to this
31 constitution by petition of the registered electors
32 of this state. Every petition shall include the full
33 text of the proposed amendment, and be signed by
34 registered electors of the state equal in number to
35 at least 10 percent of the total vote cast for
36 all candidates for governor at the last preceding
37 general election at which a governor was elected.
38 Such petitions shall be filed with the person au-
39 thorized by law to receive the same at least 120
40 days before the election at which the proposed
41 amendment is to be voted upon. Any such petition
42 shall be in the form, and shall be signed and
43 circulated in such manner, as prescribed by law.
44 The person authorized by law to receive such peti-
45 tion shall upon its receipt determine, as provided
46 by law, the validity and sufficiency of the signa-
47 tures on the petition, and make an official an-
48 nouncement thereof at least 60 days prior to the
49 election at which the proposed amendment is to be
50 voted upon.

51 Any amendment proposed by such petition shall
52 be submitted, not less than 120 days after it was
53 filed, to the electors at the next general election.
54 Such proposed amendment, existing provisions of
55 the constitution which would be altered or abro-
56 gated thereby, and the question as it shall appear
57 on the ballot shall be published in full as provided
58 by law. Copies of such publication shall be posted
59 in each polling place and furnished to news media

as provided by law.

60 The ballot to be used in such election shall con-
tain 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 au-
thorized by law, and shall consist of a true and
impartial statement of the purpose of the amend-
ment 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 ap-
proved. 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 elec-
tors 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 mem-
bers. 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 mem-
ber of the same party as the delegate vacating
the office. The convention shall have power to ap-
point 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 pro-
vided by law.

No proposed constitution or amendment adopted
by such convention shall be submitted to the
electors for approval as hereinafter provided un-
less 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 bor-

row 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.
Blandford	Heideman
Bledsoe	Higgs
Bonisteel	Hood
Boothby	Howes
Bowens	Hoxie
Bradley	Hubbs
Brake	Hutchinson
Brown, G. E.	Iverson
Brown, T. S.	Jones
Buback	Judd, Mrs.
Butler, Mrs.	Karn
Conklin, Mrs.	Kelsey
Cudlip	Kirk, S.
Cushman, Mrs.	Knirk, B.
Danhof	Koeze, Mrs.
Dehnke	Krolkowski
Dell	Kuhn
DeVries	Lawrence
Donnelly, Miss	Lebrand
Doty, Dean	Leppien
Doty, Donald	Lesinski
Douglas	Liberato
Downs	Madar
Durst	Mahinske
Elliott, A. G.	Martin
Elliott, Mrs. Daisy	McAllister
Erickson	McCauley
Everett	McGowan, Miss
Farnsworth	McLogan
Faxon	Millard
Figy	Mosier
Finch	Murphy
Follo	Nisbet
Ford	Nord
Gadola	Norris
Garvin	Ostrow

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
Gadola
Goebel

Perras
Plank
Pollock

Woolfenden
Yeager

Nays—43

Austin
Baginski
Barthwell
Binkowski
Bledsoe
Bowens
Bradley
Brown, T. S.
Buback
Douglas
Downs
Elliott, Mrs. Daisy
Faxon
Ford
Garvin

Greene
Hart, Miss
Hatcher, Mrs.
Hood
Jones
Kelsey
Krolikowski
Leibrand
Lesinski
Liberato
Madar
Mahinske
McAllister
Murphy

Nord
Norris
Ostrow
Pellow
Perlich
Sablich
Shanahan
Snyder
Stopczynski
Suzore
Walker
Wilkowski
Young
Youngblood

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. VANDUSEN: 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.

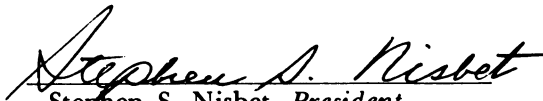
Sec. 14. The legislature by a vote of two-thirds of the members elected to and serving in each house may provide that the state may borrow money and may pledge its full faith and credit for refunding any bonds issued by the Mackinac Bridge Authority and at the time of refunding the Mackinac Bridge Authority 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, *President*


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.