



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

January 31, 2022

**DEADLINE ESTABLISHED FOR PUBLIC COMMENTS
REGARDING PETITION SUMMARIES**

**STATEWIDE BALLOT PROPOSALS SPONSORED BY
PROMOTE THE VOTE 2022**

Under Michigan election law, the sponsor of an initiative, referendum, or constitutional amendment petition may request approval of the summary of the purpose of the petition prior to circulating. MCL 168.482b(1). If a petition sponsor avails itself of this process, a summary of the proposal’s purpose must be prepared by the Director of Elections and presented to the Board of State Canvassers (Board) for approval or rejection. MCL 168.482b(2). The deadline for the Board to approve or reject the content of the petition summary is the 30th day following the sponsor’s submission. MCL 168.482b(1).

If the Board approves a petition summary as prepared by the Director of Elections, the sponsor must print the approved summary in 12-point type in the heading of the petition, and the Board will be barred from considering a subsequent challenge alleging that the summary is misleading or deceptive. MCL 168.482(3), 168.482b(1), (3). Further, if the Board subsequently determines that the petition contains enough valid signatures to merit certification, the Director of Elections and Board are authorized to draft and approve ballot wording that differs from the petition summary. Opinion of the Attorney General No. 7310 (May 22, 2019).

The “summary of the purpose of the proposed amendment or question” prepared by the Director of Elections may be up to 100 words in length and must consist of a true and impartial statement in language that does not create prejudice for or against the proposal. MCL 168.482b(2). The summary also must inform signers of the subject matter of the petition but need not be legally precise, and use words having a common, everyday meaning to the public. *Id.* When considering the language drafted by the Director of Elections, the Board is *not* considering the *merits* of the petition but is only determining whether the drafted 100 words are a true and impartial summary.

PROMOTE THE VOTE 2022 submitted a request for approval of the petition summary. A copy of the full text of the proposed constitutional amendment is provided with this announcement. **The Director of Elections is inviting public comments regarding the summary of the purpose of this proposed constitutional amendment, including submissions of suggested language, as follows:**

<i>Deadline for submission of suggested petition summary and/or explanatory materials to staff:</i>	February 7, 2022 by 5:00 p.m.
<i>Date of Board of State Canvassers meeting at which the summary will be considered:</i>	February 11, 2022
<i>Deadline for Board of State Canvassers to approve or reject the summary of the content of the petitions:</i>	March 2, 2022

Submissions may be made via email (MDOS-Canvassers@Michigan.gov), U.S. Mail (P.O. Box 20126, Lansing, Michigan 48901), or hand delivery (address provided below). **Submissions must be received in this office by the date and time specified to be considered.** Suggested 100-word summaries and explanatory materials, rather than general positions of support for or opposition to the petition, are encouraged.

PROMOTE THE VOTE 2022
PROPOSED CONSTITUTIONAL AMENDMENT

Amend Article II, Section 4 of the Constitution (additions capitalized, deletions stricken)

Sec. 4. (1) Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:

- (a) THE FUNDAMENTAL RIGHT TO VOTE, INCLUDING BUT NOT LIMITED TO ~~the~~ the right, once registered, to vote a secret ballot in all elections. NO PERSON SHALL: (1) ENACT OR USE ANY LAW, RULE, REGULATION, QUALIFICATION, PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE; (2) ENGAGE IN ANY HARASSING, THREATENING, OR INTIMIDATING CONDUCT; OR (3) USE ANY MEANS WHATSOEVER, ANY OF WHICH HAS THE INTENT OR EFFECT OF DENYING, ABRIDGING, INTERFERING WITH, OR UNREASONABLY BURDENING THE FUNDAMENTAL RIGHT TO VOTE.

ANY MICHIGAN CITIZEN OR CITIZENS SHALL HAVE STANDING TO BRING AN ACTION FOR DECLARATORY, INJUNCTIVE, AND/OR MONETARY RELIEF TO ENFORCE THE RIGHTS CREATED BY THIS PART (A) OF SUBSECTION (4)(1) ON BEHALF OF THEMSELVES. THOSE ACTIONS SHALL BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH A PLAINTIFF RESIDES. IF A PLAINTIFF PREVAILS IN WHOLE OR IN PART, THE COURT SHALL AWARD REASONABLE ATTORNEYS' FEES, COSTS, AND DISBURSEMENTS.

FOR PURPOSES OF THIS PART (A) OF SUBSECTION (4)(1), "PERSON" MEANS AN INDIVIDUAL, ASSOCIATION, CORPORATION, JOINT STOCK COMPANY, LABOR ORGANIZATION, LEGAL REPRESENTATIVE, MUTUAL COMPANY, PARTNERSHIP, UNINCORPORATED ORGANIZATION, THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR AN AGENCY OF THE STATE, OR ANY OTHER LEGAL ENTITY, AND INCLUDES AN AGENT OF A PERSON.

- (b) The right, if serving in the military or living overseas, to have an absent voter ballot sent to them at least forty-five (45) days before an election upon application AND TO HAVE THEIR ABSENT VOTER BALLOT DEEMED TIMELY RECEIVED IF POSTMARKED ON OR BEFORE ELECTION DAY AND RECEIVED BY THE APPROPRIATE ELECTION OFFICIAL WITHIN SIX (6) DAYS AFTER SUCH ELECTION. FOR PURPOSES OF THIS PART (B) OF SUBSECTION (4)(1), A POSTMARK SHALL INCLUDE ANY TYPE OF MARK APPLIED BY THE UNITED STATES POSTAL SERVICE OR ANY DELIVERY SERVICE TO THE RETURN ENVELOPE, INCLUDING BUT NOT LIMITED TO A BAR CODE OR ANY TRACKING MARKS, WHICH INDICATES WHEN A BALLOT WAS MAILED.

- (c) The right, once registered, to a "straight party" vote option on partisan general election ballots. In partisan elections, the ballot shall include a position at the top of the ballot by which the voter may, by a single selection, record a straight party ticket vote for all the candidates of one (1) party. The voter may vote a split or mixed ticket.
- (d) The right to be automatically registered to vote as a result of conducting business with the secretary of state regarding a driver's license or personal identification card, unless the person declines such registration.
- (e) The right to register to vote for an election by mailing a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications.
- (f) The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or (2) beginning on the fourteenth (14th) day before that election and continuing through the day of that election, appearing in person, submitting a completed voter registration application and providing proof of residency to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies. Persons registered in accordance with subsection (1)(f) shall be immediately eligible to receive a regular or absent voter ballot.
- (G) THE RIGHT, ONCE REGISTERED, TO PROVE THEIR IDENTITY WHEN VOTING IN PERSON OR APPLYING FOR AN ABSENT VOTER BALLOT IN PERSON BY (1) PRESENTING THEIR PHOTO IDENTIFICATION, INCLUDING PHOTO IDENTIFICATION ISSUED BY A FEDERAL, STATE, LOCAL, OR TRIBAL GOVERNMENT OR AN EDUCATIONAL INSTITUTION, OR (2) IF THEY DO NOT HAVE PHOTO IDENTIFICATION OR DO NOT HAVE IT WITH THEM, EXECUTING AN AFFIDAVIT, WHICH NEED NOT BE NOTARIZED, VERIFYING THEIR IDENTITY. A VOTER SHALL NOT BE REQUIRED TO VOTE A PROVISIONAL BALLOT SOLELY BECAUSE THEY EXECUTED AN AFFIDAVIT TO PROVE THEIR IDENTITY.
- (H)(g) The right, once registered, to vote an absent voter ballot without giving a reason, during the forty (40) days before an election, and the right to choose whether the absent voter ballot is applied for, received and submitted in person or by mail. During that time, election officials authorized to issue absent voter ballots shall be available in at least one (1) location to issue and receive absent voter ballots during the election officials' regularly scheduled business hours and for at least eight (8) hours during the Saturday and/or Sunday immediately prior to the election. Those election officials shall have the authority to make absent voter ballots available for voting in person at additional times and places beyond what is required herein. VOTERS SHALL HAVE THE RIGHT TO PROVE THEIR IDENTITY WHEN APPLYING FOR OR VOTING AN ABSENT VOTER BALLOT OTHER THAN IN PERSON BY PROVIDING THEIR SIGNATURE TO THE ELECTION OFFICIAL

AUTHORIZED TO ISSUE ABSENT VOTER BALLOTS. THOSE ELECTION OFFICIALS SHALL: (1) VERIFY THE IDENTITY OF A VOTER WHO APPLIES FOR AN ABSENT VOTER BALLOT OTHER THAN IN PERSON BY COMPARING THE VOTER'S SIGNATURE ON THE ABSENT VOTER BALLOT APPLICATION TO THE VOTER'S SIGNATURE IN THEIR REGISTRATION RECORD; AND (2) VERIFY THE IDENTITY OF A VOTER WHO VOTES AN ABSENT VOTER BALLOT OTHER THAN IN PERSON BY COMPARING THE SIGNATURE ON THE ABSENT VOTER BALLOT ENVELOPE TO THE SIGNATURE ON THE VOTER'S ABSENT VOTER BALLOT APPLICATION OR THE SIGNATURE IN THE VOTER'S REGISTRATION RECORD. IF THOSE ELECTION OFFICIALS DETERMINE FROM EITHER OF THE COMPARISONS IN (1) OR (2) OF THIS PART (H) OF SUBSECTION (4)(1) THAT THE SIGNATURES DO NOT SUFFICIENTLY AGREE, OR IF THE VOTER'S SIGNATURE ON THE ABSENT VOTER BALLOT APPLICATION OR ABSENT VOTER BALLOT ENVELOPE IS MISSING, THE VOTER HAS A RIGHT TO BE NOTIFIED IMMEDIATELY AND AFFORDED DUE PROCESS, INCLUDING AN EQUITABLE OPPORTUNITY TO CORRECT THE ISSUE WITH THE SIGNATURE.

- (I) THE RIGHT TO: (1) STATE-FUNDED PREPAID POSTAGE TO RETURN AN ABSENT VOTER BALLOT APPLICATION PROVIDED TO THEM BY A MICHIGAN ELECTION OFFICIAL; (2) STATE-FUNDED PREPAID POSTAGE TO RETURN A VOTED ABSENT VOTER BALLOT; AND (3) A STATE-FUNDED SYSTEM TO TRACK SUBMITTED ABSENT VOTER BALLOT APPLICATIONS AND ABSENT VOTER BALLOTS. THE SYSTEM SHALL PERMIT VOTERS TO ELECT TO RECEIVE ELECTRONIC NOTIFICATIONS REGARDING THE STATUS OF THE VOTER'S SUBMITTED ABSENT VOTER BALLOT APPLICATION AND ABSENT VOTER BALLOT, INFORM VOTERS OF ANY DEFICIENCY WITH THE VOTER'S SUBMITTED ABSENT VOTER BALLOT APPLICATION OR ABSENT VOTER BALLOT, AND PROVIDE INSTRUCTIONS FOR ADDRESSING ANY SUCH DEFICIENCY.
- (J) THE RIGHT TO AT LEAST ONE (1) STATE-FUNDED SECURE DROP-BOX FOR EVERY MUNICIPALITY, AND FOR MUNICIPALITIES WITH MORE THAN FIFTEEN THOUSAND (15,000) REGISTERED VOTERS AT LEAST ONE (1) DROP-BOX FOR EVERY FIFTEEN THOUSAND (15,000) REGISTERED VOTERS, FOR THE RETURN OF COMPLETED ABSENT VOTER BALLOT APPLICATIONS AND VOTED ABSENT VOTER BALLOTS. SECURE DROP-BOXES SHALL BE DISTRIBUTED EQUITABLY THROUGHOUT THE MUNICIPALITY AND SHALL BE ACCESSIBLE TWENTY-FOUR (24) HOURS PER DAY DURING THE FORTY (40) DAYS PRIOR TO ANY ELECTION AND UNTIL EIGHT (8) PM ON ELECTION DAY.
- (K) THE RIGHT, ONCE REGISTERED, TO HAVE AN ABSENT VOTER BALLOT SENT TO THE VOTER BEFORE EACH ELECTION BY SUBMITTING A SINGLE SIGNED ABSENT VOTER BALLOT APPLICATION COVERING ALL

FUTURE ELECTIONS. AN ELECTION OFFICIAL RESPONSIBLE FOR ISSUING ABSENT VOTER BALLOTS SHALL ISSUE AN ABSENT VOTER BALLOT FOR EACH ELECTION TO EVERY VOTER IN THE JURISDICTION WHO HAS EXERCISED THE RIGHT IN THIS PART (K) OF SUBSECTION (4)(1) AND SHALL NOT REQUIRE SUCH VOTER TO SUBMIT A SEPARATE APPLICATION FOR AN ABSENT VOTER BALLOT FOR ANY ELECTION. A VOTER'S EXERCISE OF THIS RIGHT SHALL BE RESCINDED ONLY IF: (1) THE VOTER SUBMITS A SIGNED REQUEST TO RESCIND; (2) THE VOTER IS NO LONGER QUALIFIED TO VOTE; (3) THE SECRETARY OF STATE OR THE ELECTION OFFICIAL RESPONSIBLE FOR ISSUING THE VOTER AN ABSENT VOTER BALLOT RECEIVES RELIABLE INFORMATION THAT THE VOTER HAS MOVED TO ANOTHER STATE, OR HAS MOVED WITHIN THIS STATE WITHOUT UPDATING THEIR VOTER REGISTRATION ADDRESS; OR (4) THE VOTER DOES NOT VOTE FOR SIX (6) CONSECUTIVE YEARS. THE EXERCISE OF THE RIGHT IN THIS PART (K) OF SUBSECTION (4)(1) SHALL REMAIN IN EFFECT WITHOUT THE NEED FOR A NEW ABSENT VOTER BALLOT APPLICATION WHEN THE VOTER CHANGES THEIR RESIDENCE IN THIS STATE AND UPDATES THEIR VOTER REGISTRATION ADDRESS.

- (L)~~(h)~~ The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections. THE SECRETARY OF STATE SHALL CONDUCT ELECTION AUDITS, AND SHALL SUPERVISE AND DIRECT COUNTY ELECTION OFFICIALS IN THE CONDUCT OF SUCH AUDITS. NO OFFICER OR MEMBER OF THE GOVERNING BODY OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY, AND NO POLITICAL PARTY PRECINCT DELEGATE, SHALL HAVE ANY ROLE IN THE DIRECTION, SUPERVISION, OR CONDUCT OF AN ELECTION AUDIT. PUBLIC ELECTION OFFICIALS SHALL MAINTAIN THE SECURITY AND CUSTODY OF ALL BALLOTS AND ELECTION MATERIALS DURING AN ELECTION AUDIT. ELECTION AUDITS SHALL BE CONDUCTED IN PUBLIC BASED ON METHODS FINALIZED AND MADE PUBLIC PRIOR TO THE ELECTION TO BE AUDITED. ALL FUNDING OF ELECTION AUDITS SHALL BE PUBLICLY DISCLOSED.
- (M) THE RIGHT, ONCE REGISTERED, TO VOTE IN EACH STATEWIDE AND FEDERAL ELECTION IN PERSON AT AN EARLY VOTING SITE PRIOR TO ELECTION DAY. VOTERS AT EARLY VOTING SITES SHALL HAVE THE SAME RIGHTS AND BE SUBJECT TO THE SAME REQUIREMENTS AS VOTERS AT POLLING PLACES ON ELECTION DAY. AN EARLY VOTING SITE IS A POLLING PLACE AND SHALL BE SUBJECT TO THE SAME REQUIREMENTS AS AN ELECTION DAY POLLING PLACE, EXCEPT THAT AN EARLY VOTING SITE MAY SERVE VOTERS FROM MORE THAN SIX (6) PRECINCTS AND MAY SERVE VOTERS FROM MORE THAN ONE (1) MUNICIPALITY WITHIN A COUNTY. AN EARLY VOTING SITE SHALL ALSO BE SUBJECT TO THE SAME REQUIREMENTS AS AN ELECTION DAY PRECINCT, EXCEPT THAT ANY STATUTORY LIMIT ON THE NUMBER OF

VOTERS ASSIGNED TO A PRECINCT SHALL NOT APPLY TO AN EARLY VOTING SITE. EACH EARLY VOTING SITE SHALL BE OPEN FOR AT LEAST NINE (9) CONSECUTIVE DAYS BEGINNING ON THE SECOND SATURDAY BEFORE THE ELECTION AND ENDING ON THE SUNDAY BEFORE THE ELECTION, FOR AT LEAST EIGHT (8) HOURS EACH DAY, AND MAY BE OPEN FOR ADDITIONAL DAYS AND HOURS BEYOND WHAT IS REQUIRED HEREIN AT THE DISCRETION OF THE ELECTION OFFICIAL AUTHORIZED TO ISSUE BALLOTS IN THE JURISDICTION CONDUCTING THE ELECTION. JURISDICTIONS CONDUCTING ELECTIONS WITHIN A COUNTY MAY ENTER INTO AGREEMENTS TO SHARE EARLY VOTING SITES. A JURISDICTION CONDUCTING AN ELECTION MAY ENTER INTO AN AGREEMENT WITH THE CLERK OF THE COUNTY IN WHICH IT IS LOCATED AUTHORIZING THE COUNTY CLERK TO CONDUCT EARLY VOTING FOR THE JURISDICTION. JURISDICTIONS CONDUCTING NON-STATEWIDE ELECTIONS MAY OFFER EARLY VOTING FOR SUCH ELECTIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS PART (M) OF SUBSECTION (4)(1). NO EARLY VOTING RESULTS SHALL BE GENERATED OR REPORTED UNTIL AFTER EIGHT (8) PM ON ELECTION DAY.

All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. Nothing contained in this subsection shall prevent the legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, 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.

(3) A COUNTY, CITY, OR TOWNSHIP CONDUCTING AN ELECTION MAY ACCEPT AND USE PUBLICLY-DISCLOSED CHARITABLE DONATIONS AND IN-KIND CONTRIBUTIONS TO CONDUCT AND ADMINISTER ELECTIONS. THE COUNTY, CITY, OR TOWNSHIP SHALL RETAIN DISCRETION OVER WHETHER TO ACCEPT OR USE ANY SUCH DONATIONS OR CONTRIBUTIONS. CHARITABLE DONATIONS AND IN-KIND CONTRIBUTIONS OF FOREIGN FUNDS OR FROM FOREIGN SOURCES ARE PROHIBITED.

AMEND Article II, Section 7 of the Constitution (additions capitalized, deletions stricken)

Sec. 7. (1) THE OUTCOME OF EVERY ELECTION IN THIS STATE SHALL BE DETERMINED SOLELY BY THE VOTE OF ELECTORS CASTING BALLOTS IN THE ELECTION.

(2) 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. THE LEGISLATURE MAY ESTABLISH BOARDS OF COUNTY CANVASSERS.

(3) IT SHALL BE THE MINISTERIAL, CLERICAL, NONDISCRETIONARY DUTY OF A BOARD OF CANVASSERS, AND OF EACH INDIVIDUAL MEMBER THEREOF, TO CERTIFY ELECTION RESULTS BASED SOLELY ON: (1) CERTIFIED STATEMENTS OF VOTES FROM COUNTIES; OR (2) IN THE CASE OF BOARDS OF COUNTY CANVASSERS, STATEMENTS OF RETURNS FROM THE PRECINCTS AND ABSENT VOTER COUNTING BOARDS IN THE COUNTY AND ANY CORRECTED RETURNS. THE BOARD OF STATE CANVASSERS IS THE ONLY BODY OR ENTITY IN THIS STATE AUTHORIZED TO CERTIFY THE RESULTS OF AN ELECTION FOR STATEWIDE OR FEDERAL OFFICE AND TO DETERMINE WHICH PERSON IS ELECTED IN SUCH ELECTION.

(4) IF THE CERTIFIED RESULTS FOR ANY OFFICE CERTIFIED BY THE BOARD OF STATE CANVASSERS SHOW A TIE AMONG TWO (2) OR MORE PERSONS, THE TIE SHALL BE RESOLVED AND THE WINNER CERTIFIED BY THE DRAWING OF LOTS UNDER RULES PROMULGATED BY THE BOARD OF STATE CANVASSERS. IF THE CERTIFIED RESULTS FOR AN OFFICE CERTIFIED BY A BOARD OF COUNTY CANVASSERS SHOW A TIE AMONG TWO (2) OR MORE PERSONS, THE TIE SHALL BE RESOLVED AND THE WINNER CERTIFIED BY SUCH BOARD OF CANVASSERS UNDER PROCEDURES PRESCRIBED BY LAW.

(5) THE CERTIFICATION OF ANY ELECTION RESULTS BY THE BOARD OF STATE CANVASSERS SHALL BE FINAL SUBJECT ONLY TO (A) A POST-CERTIFICATION RECOUNT OF THE VOTES CAST IN THAT ELECTION SUPERVISED BY THE BOARD OF STATE CANVASSERS UNDER PROCEDURES PRESCRIBED BY LAW; OR (B) A POST-CERTIFICATION COURT ORDER

(6) A BOARD OF CANVASSERS IS AUTHORIZED TO CONDUCT POST-CERTIFICATION RECOUNTS OF ELECTION RESULTS UNDER PROCEDURES PRESCRIBED BY LAW.

(7) FOR PURPOSES OF THIS SECTION “TO CERTIFY” MEANS TO MAKE A SIGNED, WRITTEN STATEMENT.

**STATE OF MICHIGAN
BOARD OF STATE CANVASSERS**

**Re: Promote the Vote 2022
Petition for Constitutional Amendment**

**MEMORANDUM IN SUPPORT OF
SUGGESTED PETITION SUMMARY LANGUAGE**

I. THE PROPOSED PETITION SUMMARY

For its petition, Promote the Vote 2022 proposes the following summary of its proposed amendment to the Michigan Constitution, attached hereto:

A constitutional amendment providing US citizens qualified to vote the rights to:

- Vote without harassment, interference, or intimidation;
- Have military or overseas ballots counted if postmarked by Election Day;
- Vote after showing photo ID or signing a legal document verifying identity;
- Apply to vote absentee in every election, and submit the absentee ballot using secure official drop-boxes or state-funded postage;
- Secure, accountable audits by election officials;
- Vote early in-person during 9 days before an election;
- Public disclosure of charitable and in-kind donations to pay for elections and audits;
- Election results certified by Boards of Canvassers based solely on votes cast.

This 100-word summary complies with applicable requirements of Michigan law. It should be recommended by the Director to the Board of Canvassers and adopted by the Board.

II. THE LEGAL STANDARDS GOVERNING PETITION SUMMARIES

Section 168.482b(2) addresses the requirements for the required summary of purpose on a ballot proposal petition under Section 482(3) as follows:

(2) If a person submits the summary of the purpose of the proposed amendment or question proposed as provided in subsection (1), all of the following apply:

(a) The summary of the purpose of the proposed amendment or question proposed must be prepared by the director of elections, with the approval of the board of state canvassers.

(b) The summary is limited to not more than 100 words and must consist of a true and impartial statement of the purpose of the proposed amendment or question proposed in language that does not create prejudice for or against the proposed amendment or question proposed.

(c) The summary must be worded so as to apprise the petition signers of the subject matter of the proposed amendment or question proposed, but does not need to be legally precise.

(d) The summary must be clearly written using words that have a common everyday meaning to the general public.

By way of comparison, the Constitution and correlative statutes describe the requirements for the 100 word “statement of purpose” accompanying a proposed constitutional amendment on the ballot. Const 1963, art 12, § 2 states:

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.

MCL 168.485 provides:

A question submitted to the electors of this state or the electors of a subdivision of this state shall, to the extent that it will not confuse the electorate, be worded so that a “yes” vote will be a vote in favor of the subject matter of the proposal or issue and a “no” vote will be a vote against the subject matter of the proposal or issue. The question shall be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise. The question shall be clearly written using words that have a common everyday meaning to

the general public. The language used shall not create prejudice for or against the issue or proposal.

(MCL 168.643a contains identical language.) MCL 168.32(2) provides:

The director of elections, with the approval of the state board of canvassers, shall prepare a statement for designation on the ballot in not more than 100 words, exclusive of caption, of the purpose of any proposed amendment or question to be submitted to the electors as required under . . . section 1 or 2 of article XII of the state constitution of 1963. The statement shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against the proposed amendment or question. The powers and duties of the state board of canvassers and the secretary of state with respect to the preparation of the statement are transferred to the director of elections.

III. THE PROPOSED SUMMARY COMPLIES WITH MICHIGAN LAW

As explained in the following clause-by-clause analysis, the proposed summary complies with all applicable requirements and it will accurately inform voters regarding the significant elements of the proposal.

CLAUSE 1: “A constitutional amendment providing US citizens qualified to vote the rights to: . . . Vote without harassment, interference, or intimidation;”

The proposal continues the existing description in Art. 4, § 4(1) of those entitled to exercise the franchise, who are accurately described in the summary as: “US citizens qualified to vote.” The phrase “without harassment, interference, or intimidation” captures the important element that the right to vote would be expressly protected under Part (a) of subsection 4(1), as amended, from actions that are intended to deny, interfere with or burden the exercise of the right. Inclusion of the term “elector” is not necessary because it is a technical term used in the Constitution and voting laws that will not have significant meaning for most

citizens and may confuse them. The summary is not required to use a less well-recognized legal term for a concept that has “a common everyday meaning to the public.” MCL 168.482(c) and (d). The proposal describes the right to vote as a “fundamental right” but there is no need to include this in the summary because voters already understand that the right to vote is fundamental in a democracy.

CLAUSE 2: “Have military or overseas ballots counted if postmarked by Election Day;”

Most Michigan voters are familiar with the fact that following the passage of Proposal 3 in 2018, voters serving in the military or living overseas have the right to have an absentee ballot mailed to them at least 45 days before an election. This language accurately apprises such voters that their ballot will be accepted and counted if it is postmarked on or before Election Day. The proposal provides detail on the meaning of “postmarked” to ensure implementation of this right by election officials, but voters understand the meaning of the term.

CLAUSE 3: “Vote after showing photo ID or signing a legal document verifying identity;”

Parts (g) and (h) of subsection 4(1) incorporate and expand upon voting rules, requirements and procedures concerning verification of identity and voting of provisional ballots that are currently in effect. The term “photo ID” is commonly understood. Those who vote absentee know or are clearly informed that they must sign a return envelope so that their signature can be verified. This summary also informs citizens of the affidavit verification option as a constitutional right, without resorting to legal terminology.

CLAUSE 4: “Apply to vote absentee in every election, and submit the absentee ballot using secure official drop-boxes or state-funded postage;”

Part (k) of subsection 4(1) provides for the mailing of absentee ballots to a voter in every election upon the voter’s application to an election official. Part (j) of subsection 4(1) would expand the availability of drop-boxes for depositing absentee ballots. Part (i) of subsection 4(1) would give absentee voters the right to pre-paid postage for returning their ballots. These rights are clearly covered in the summary.

CLAUSE 5: “Secure, accountable audits by election officials;”

The proposal, in part (l) of subsection 4(1), adds detail to the existing audit provision currently set forth in part (h) of subsection 4(1). In the wake of prominent news coverage and extensive national dialogue relating to post-election audits following the 2020 election, there is no need to explain the concept of post-election audits.¹ The summary informs the reader that the proposed amendment would include constitutional language ensuring that such audits are “secure” and “accountable.”

CLAUSE 6: “Vote early in-person during 9 days before an election;”

This language accurately and succinctly describes the right to early in-person voting set forth in part (m) of the proposed amendment to subsection 4(1). There is more detail in the proposal, which provides necessary direction for election officials and protects the right to vote in this manner.

¹ *See, e.g.*, C. Hendrickson “Michigan Completes Most Comprehensive Post-election Audit in State History: What It Showed” *Detroit Free Press* (March 2, 2021); M. Sadeghi “Fact Check: Michigan Did Not Authorize a Full Forensic Audit of 2020 Election” *USA Today* (May 14, 2021)[ATTACHED].

CLAUSE 7: “Public disclosure of charitable and in-kind donations to pay for elections and audits;”

The acceptance by local officials of charitable and in-kind donations from the public to help defray the cost of local government, including conducting elections, has become commonplace in Michigan. Subsection 4(3) regulates and adds transparency to this practice by requiring that any such donations will be publicly disclosed, as described in Clause 7. Subsection 4(3) specifically vests local governments with discretion over whether to accept and use such donations, and it prohibits donations from foreign sources. While these caveats are important, it is most important for voters to know that such donations will be disclosed to the public.

CLAUSE 8: “Election results certified by Boards of Canvassers based solely on votes cast.”

The proposed amendments to Art. 2, § 7 would constitutionalize the current function, powers and practice of Boards of Canvassers in certifying election results. The most important features of these refinements are the directives in proposed subsection 7(1) that: “The outcome of every election in this state shall be determined solely by the vote of electors casting ballots in the election” and in subsection (3) that canvassers have the “ministerial, clerical, nondiscretionary duty” to perform their functions in accordance with subsection (1). It is not necessary to incorporate these legal terms of art in the summary. The phrase “based solely on votes cast” distills the essential element of the Art. 2, Section 7 amendments in a way that will make clear to petition signers the proposed amendment’s basic purpose and effect.

Opponents of this voting rights proposal may claim that it is too long, too detailed, or looks too much like legislation and cannot be accurately summarized in 100 words. The Promote the Vote 2022 proposal is less lengthy, detailed and technical than other amendatory proposals that were successfully summarized and placed on the ballot. *See, e.g.* 1978 Proposal E (the “Headlee amendment”) adding 10 sections and amending another and containing lengthy and detailed fiscal and tax provisions); 1980 Proposal A (amending 3 and adding 2 section); 1980 Proposal D (amending 4 and adding 9 sections with detailed tax ad fiscal provisions); 2002 Proposal 02-2 (extensive technical amendments regarding State trust funds); 2006 Proposal 06-1 (adding 3 lengthy and detailed sections to Art. 9)[ATTACHED]. All of these ballot proposals were distilled into summaries of 100 words or less for voters. The petition summary submitted herein does the same.

CONCLUSION

For the above reasons, Promote the Vote 2022’s proposed ballot summary should be recommended by the Director and approved by the Board for placement on the petition.

NICKELHOFF & WIDICK, PLLC

/s/ Andrew Nickelhoff
Andrew Nickelhoff (P37990)
Attorneys for Promote the Vote 2022
333 W. Fort Street, Suite 1400
Detroit, Michigan 48226
(313) 496-9429
anickelhoff@michlabor.legal

January 31, 2022

**ATTACHMENTS TO MEMORANDUM IN SUPPORT OF
SUGGESTED PETITION SUMMARY LANGUAGE**

ELECTIONS

Michigan completes most comprehensive post-election audit in state history: What it showed



Clara Hendrickson

Detroit Free Press

Published 12:47 p.m. ET March 2, 2021 | Updated 6:38 p.m. ET March 2, 2021

Almost four months after the November presidential election, Michigan has completed its most comprehensive series of post-election audits in the state's history, confirming the results, Secretary of State Jocelyn Benson announced Tuesday.

The audits examined the ballots cast in the general election, the machines that tabulated those ballots and the election procedures used.

"It is time for leaders across the political spectrum to tell their constituents the truth, that our election was the most secure in history, and the results accurately reflect the will of Michigan's voters," Benson said.

Former President Donald Trump and his allies spent months spreading misinformation about Michigan's election process and outcome. Polls consistently show a majority of Republican voters don't trust the outcome of the presidential election.

President Joe Biden won Michigan by over 154,000 votes. But soon after Michigan's clerks completed counting a record number of ballots in the middle of a global pandemic, "their work was immediately attacked by the lies, meritless conspiracy theories and uninformed observations of the former president and his supporters," Benson said.

She said she hopes the completion of the audits can convince those who doubt the outcome of the election, and she commended the hard work of the state Bureau of Elections and more than 1,300 clerks for conducting over 250 audits across the state.

More: Michigan election audit affirms November presidential results, Benson says

More: Benson offers sweeping changes to Michigan election laws, including state holiday, gun ban

In mid-December, Democratic and Republican clerks conducted a "zero-margin risk-limiting audit" which entailed a hand recount of the ballots cast in the presidential election in Antrim County. The conservative county was at the heart of a conspiracy theory that falsely asserted that the county's Dominion Voting Systems tabulators switched votes for Trump to Biden — Trump won Antrim in the final tally. The audit affirmed the county's certified election results, and confirmed that an earlier counting error in the unofficial results showing Biden winning were the result of human error and had nothing to do with the tabulating machines.

Michigan election officials also undertook a statewide "risk-limiting audit" of the presidential election in which more than 18,000 randomly selected ballots from more than 1,300 jurisdictions were reviewed by clerks to confirm the accuracy of the results of the presidential election. The total number of ballots collected fell 78 ballots short of what was needed for a complete sample, which Benson attributed to timing issues as well as the newness of the audit.

State lawmakers from both parties say election reform is a top priority this year. Benson has issued her own set of sweeping election reform proposals to lawmakers, including giving clerks more time to process absentee ballots before Election Day.

Instead of heeding clerks' pleas and the advice of national experts, the Legislature approved a one-time exception to allow clerks in some jurisdictions to begin processing ballots the day before the Nov. 3 election. This amount of time was insufficient to process the huge numbers of absentee ballots submitted because many voters opted not to cast their ballot in person because of the pandemic. The sheer numbers of absentees and the extra time it took to count them, provided an opportunity for misinformation about the election process and outcome to spread, Benson said.

Benson said she hopes lawmakers will consider changing the law to give clerks more time to canvass the ballots before election results are certified. This could have helped reconcile imbalances between the number of ballots cast and the ballot counts found in some jurisdictions.

An audit of the counting boards that counted absentee ballots cast by Detroit's voters found that 83% of the counting boards were balanced, up from 27% in the county canvass,

Benson said. The net number of ballots that were out of balance was 17, she said. More than 174,000 absentee ballots were cast by the city's voters.

Based on this finding, Benson called on lawmakers to amend the state's election law to make precincts and counting boards found to be out of balance without an explanation eligible for a recount. "Michigan is one of the only states in the country with such a strict regulation," she said.

Among her election reform proposals, Benson also has recommended requiring a statewide risk-limiting audit of the election results before they are certified. Lawsuits filed by Trump allies requesting audits preceding certification were rejected in court.

The conclusion of the audits should eradicate "any rationale for continuing to question the integrity of the election and the validity of the outcome," Benson said. "Now it's up to every leader to acknowledge that truth."

And as Michigan's lawmakers consider making changes to the state's election process, Benson called on leaders "not to build policies off of lies," as state lawmakers across the country have pushed changes to election laws that restrict voting access in response to baseless claims of a stolen election.

Clara Hendrickson fact-checks Michigan issues and politics as a corps member with Report for America, an initiative of The GroundTruth Project. Make a tax-deductible contribution to support her work at bit.ly/freepRFA. Contact her at chendrickson@freepress.com or 313-296-5743 for comments or to suggest a fact-check. Follow her on Twitter @clarajanehen .

FACT CHECK

Fact check: Michigan did not authorize a full forensic audit of 2020 election

McKenzie Sadeghi USA TODAY

Published 3:35 p.m. ET May 14, 2021 | Updated 4:45 p.m. ET May 16, 2021

The claim: Michigan authorized a full forensic audit

Michigan already completed the most comprehensive series of post-election audits in the state's history, confirming the 2020 presidential election results. But some social media posts assert the state isn't done scrutinizing those results.

The claim comes amid the Arizona Republican Senate's audit of the 2020 election results in the state's most populous county, where an unofficial hand recount of 2.1 million ballots is taking place.

Post-election audits in Arizona and Michigan turned up zero evidence of systemic voter fraud and confirmed the Election Day results, but falsehoods surrounding vote results in the battleground states have persisted on social media.

"BREAKING: Michigan has authorized a full forensic audit of the 2020 Presidential Election," reads a screen grab of a tweet shared to Facebook on May 10.

Similar versions of the claim have been shared widely on Instagram and Facebook. One user linked the purported forensic audit to an ongoing election lawsuit in Antrim County, Michigan.

"After a preliminary audit of Dominion machines in Antrim County turned up MAJOR fraud Michigan now wants a full forensic audit," reads a May 9 Facebook post with over 500 shares.

The claim also gained traction on Twitter in a May 10 post by former NHL player Dustin Penner with over 14,000 likes and 3,400 retweets.

USA TODAY reached out to Penner and the social media users for comment.

All of these claims are wrong.

No forensic audit has been ordered in Michigan. The final outcome of the lawsuit centered in Antrim County will have no effect on the state's election results.

Fact check:No evidence election audit in Maricopa County has found widespread election fraud

No new audits planned in Michigan

Tracy Wimmer, a spokesperson for Michigan Secretary of State Jocelyn Benson's office, told USA TODAY the claim is false and "no new audits are planned."

"We conducted more than 250 (audits) around the state, and those were completed months ago, and all affirmed the integrity and accuracy of the election," she said in an email, pointing to a March 2 press release from Benson.

Benson's statement says the state's audits were conducted by about 1,300 Republican, Democratic and nonpartisan clerks across the state.

Additionally, election officials conducted a statewide audit exercise by hand-counting votes cast for president on more than 18,000 randomly selected ballots, which "affirmed the outcome of the presidential election as previously determined by tabulation machines."

While Michigan has not authorized any new election audit, the topic was brought up during an Antrim County commission meeting on May 6.

Commissioner Dawn LaVanway motioned to conduct a forensic audit of the county's 2020 election results, but the item was tabled to a June meeting, according to the Traverse County Record-Eagle.

Fact check: Census voting data isn't proof of fraud in 2020 election

Antrim County lawsuit

Claims of a Michigan forensic audit appeared online around the same time former President Donald Trump baselessly claimed on May 10 that a "major Michigan Election

Fraud case" would prove that "votes were intentionally switched" from him to Democratic candidate Joe Biden.

It is unclear what case Trump was referencing, but there is a lingering lawsuit in Antrim County, where Trump received 9,759 votes to Biden's 5,959. Michigan's elections board voted to certify Biden's victory in the state in November.

Antrim County resident William Bailey filed a lawsuit Nov. 23 against the county, in which he challenged the integrity of election equipment and requested to conduct his own audit.

As a result, 13th Circuit Court Judge Kevin Elsenheimer ordered "forensic imaging" of 22 Dominion tabulators and other software used in the election by Antrim County.

Bailey's lawsuit relies heavily on a human error by Republican Antrim County Clerk Sheryl Guy on election night. Because of the mistake, initial, unofficial results from the Republican-leaning county briefly showed Biden in the lead.

Guy's error was acknowledged and corrected before state results were finalized.

A December 2020 hand audit of the county's ballots showed only "slight differences," which are "typically seen in hand recounts," per a statement from Benson's office.

Fact check: Dominion attorneys did not try to stop Arizona ballot audit

Trump's attorneys and supporters seized on the reporting error to promote false claims about Dominion, which supplies voting software to Antrim and 65 other counties in Michigan. Accusations that the company manipulated vote tallies have been proven false, however.

Findings from a 23-page report filed in support of Bailey's lawsuit were disputed by the Michigan Department of State, Dominion, Benson and Michigan Attorney General Dana Nessel.

The lawsuit is ongoing and Elsenheimer is expected to make a decision on dismissing the case on May 18.

Fact check: Judge did not rule Dominion Voting Systems machines engineered to yield fraud

Our rating: False

The claim that Michigan authorized a full forensic audit of the 2020 presidential election is FALSE, based on our research. The Michigan Secretary of State's office confirmed no new audits are planned, and 250 audits around the state found results to be accurate. The claim stems from an Antrim County lawsuit, which includes false information regarding a human error and Dominion voting machines.

Our fact-check sources:

Michigan Secretary of State spokeswoman Tracy Wimmer, May 12, email correspondence

The Office of Secretary of State Jocelyn Benson, March 2, More than 250 audits confirm accuracy and integrity of Michigan's election

Record-Eagle, May 9, Antrim County election lawsuit is one of the last in the nation From the Desk of Donald J. Trump, May 10, post

The Detroit News, Dec. 17, 2020, Antrim County audit shows 12-vote gain for Trump USA TODAY, Nov. 23, 2020, Michigan board votes to certify election results despite GOP calls to delay

Detroit Free Press, Dec. 14, 2020, State, company officials dispute report claiming Antrim County tabulators bungled results

9 & 10 News, Nov. 6, 2020, Antrim County Election Results Corrected After Issue Skewed Initial Results

Senate Oversight Committee, Nov. 19, 2020, Antrim County Election Timeline

The Office of Secretary of State Jocelyn Benson, Dec. 17, 2020, Hand audit of all Presidential Election votes in Antrim County confirms previously certified results, voting machines were accurate

Detroit Free Press, Dec. 6, 2020, Trump attorney: 'Our team' examining Antrim voting equipment after judge issued order

Dominion Voting, May 13, Dominion in Michigan

USA TODAY, Nov. 14, 2020, Fact check: Dominion voting machines didn't delete votes from Trump, switch them to Biden

Allied Security Operations Group, Dec. 13, 2020, Antrim Michigan Forensics Report

Michigan.gov, Dec. 8, 2020, Misinformation campaign concerning Antrim County expected to continue

Michigan.gov, Dec. 14, 2020, AG, SOS: Plaintiff's Report in Antrim County Election Lawsuit Demonstrates Lack of Credible Evidence in Widespread Fraud or Wrongdoing Dominion Voting, April 29, ABOUT THE DEBUNKED Antrim County 'FORENSIC AUDIT' REPORT

Traverse City Record-Eagle, May 11, Judge to mull decision on Antrim election case

Thank you for supporting our journalism. You can subscribe to our print edition, ad-free app or electronic newspaper replica [here](#).

Our fact check work is supported in part by a grant from Facebook.

HEADLEE 143

STATE PROPOSALS
General Election, November 7, 1978

PROPOSAL E

PROPOSED CONSTITUTIONAL AMENDMENT

(AMENDMENT TO ARTICLE 9, SECTION 6, OF THE STATE CONSTITUTION, AND
ADDITION TO ARTICLE 9 OF SECTIONS 25, 26, 27, 28, 29, 30, 31, 32, 33 and
34, PROPOSED BY INITIATIVE PETITION, TO PROVIDE FOR TAX LIMITATION.)

Article 9, Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 6 will read as follows, if the proposed amendment is adopted:

Sec. 25. Property taxes and other local taxes and state taxation and spending may not be increased above the limitations specified herein without direct voter approval. The state is prohibited from requiring any new or expanded activities by local governments without full state financing, from reducing the proportion of state spending in the form of aid to local governments, or from shifting the tax burden to local government. A provision for emergency conditions is established and the repayment of voter approved bonded indebtedness is guaranteed. Implementation of this section is specified in Sections 26 through 34, inclusive, of this Article.

Sec. 26. There is hereby established a limit on the total amount of taxes which may be imposed by the legislature in any fiscal year on the taxpayers of this state. This limit shall not be changed without approval of the majority of the qualified electors voting thereon, as provided for in Article 12 of the Constitution. Effective with fiscal year 1979-1980, and for each fiscal year thereafter, the legislature shall not impose taxes of any kind which, together with all other revenues of the state, federal aid excluded, exceed the revenue limit established in this section. The revenue limit shall be equal to the product of the ratio of Total State Revenues in fiscal year 1978-79 divided by the Personal Income of Michigan in calendar year 1977 multiplied by the Personal Income of Michigan in either the prior calendar year or the average of Personal Income of Michigan in the previous three calendar years, whichever is greater.

For any fiscal year in the event that Total State Revenues exceed the revenue limit established in this section by 1% or more, the excess revenues shall be refunded pro rata based on the liability reported on the Michigan income tax and single business tax (or its successor tax or taxes) annual returns filed following the close of such fiscal year. If the excess is less than 1%, this excess may be transferred to the State Budget Stabilization Fund.

The revenue limitation established in this section shall not apply to taxes imposed for the payment of principal and interest on bonds, approved by the voters and authorized under Section 15 of this Article, and loans to school districts authorized under Section 16 of this Article.

If responsibility for funding a program or programs is transferred from one level of government to another, as a consequence of constitutional amendment, the state revenue and spending limits may be adjusted to accommodate such change, provided that the total revenue authorized for collection by both state and local governments does not exceed that amount which would have been authorized without such change.

Sec. 27. The revenue limit of Section 26 of this Article may be exceeded only if all of the following conditions are met: (1) The governor requests the legislature to declare an emergency; (2) the request is specific as to the nature of the emergency, the dollar amount of the emergency, and the method by which the emergency will be funded; and (3) the legislature thereafter declares an emergency in accordance with the specific of the governor's request by a two-thirds vote of the members elected to and serving in each house. The emergency must be declared in accordance with this section prior to incurring any of the expenses which constitute the emergency request. The revenue limit may be exceeded only during the fiscal year for which the emergency is declared. In no event shall any part of the amount representing a refund under Section 26 of this Article be the subject of an emergency request.

Sec. 28. No expenses of state government shall be incurred in any fiscal year which exceed the sum of the revenue limit established in Sections 26 and 27 of this Article plus federal aid and any surplus from a previous fiscal year.

Sec. 29. The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18.

Sec. 30. The proportion of total state spending paid to all units of Local Government, taken as a group, shall not be reduced below that proportion in effect in fiscal year 1978-79.

Sec. 31. Units of Local Government are hereby prohibited from levying any tax not authorized by law or

charter when this section is ratified or from increasing the rate of an existing tax above that rate authorized by law or charter when this section is ratified, without the approval of a majority of the qualified electors of that unit of Local Government voting thereon. If the definition of the base of an existing tax is broadened, the maximum authorized rate of taxation on the new base in each unit of Local Government shall be reduced to yield the same estimated gross revenue as on the prior base. If the assessed valuation of property as finally equalized and the

-70

STATE PROPOSALS

General Election, November 7, 1978

tion and improvements, increases by a larger percentage than the increase in the General Price Level from the previous year, the maximum authorized rate applied thereto in each unit of Local Government shall be reduced to yield the same gross revenue from existing property, adjusted for changes in the General Price Level, as could have been collected at the existing authorized rate on the prior assessed value.

The limitations of this section shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidence of indebtedness or for the payment of assessments on contract obligations in anticipation of which bonds are issued which were authorized prior to the effective date of this amendment.

Sec. 32. Any taxpayer of the state shall have standing to bring suit in the Michigan State Court of Appeals to enforce the provisions of Sections 25 through 31, inclusive, of this Article and, if the suit is sustained, shall receive from the applicable unit of government his costs incurred in maintaining such suit.

Sec. 33. Definitions. The definitions of this section shall apply to Section 25 through 32 of Article IX, inclusive.

"Total State Revenues" includes all general and special revenues, excluding federal aid, as defined in the budget message of the governor for fiscal year 1978-1979. Total State Revenues shall exclude the amount of any credits based on actual tax liabilities or the imputed tax components of rental payments, but shall include the amount of any credits not related to actual tax liabilities. "Personal Income of Michigan" is the total income received by persons in Michigan from all sources, as defined and officially reported by the United States Department of Commerce or its successor agency. "Local Government" means any political subdivision of the state, including, but not restricted to, school districts, cities, villages, townships, charter townships, counties, charter counties, authorities created by the state, and authorities created by other units of local government. "General Price Level" means the Consumer Price Index for the United States as defined and officially reported by the United States Department of Labor or its successor agency.

Sec. 34. The Legislature shall implement the provisions of Sections 25 through 33, inclusive, of this Article.

Section 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 approved by the electors or other evidences of indebtedness approved by the electors or for the payment of assessments or contract obligations in anticipation of which bonds are issued approved by the electors, which taxes may be imposed without limitation as to rate or amount; or, subject to the provisions of Section 25 through 34 of this article, 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.

285

STATE PROPOSALS

General Election, November 7, 1978

Article 9 now has no sections 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34. Article 9, section 6 now reads as follows:

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 11 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.

The following is the official ballot wording:

PROPOSAL E

PROPOSAL FOR TAX LIMITATION.

THE PROPOSED AMENDMENT WOULD:

1. Limit all state taxes and revenues, excepting federal aid, to its current proportion of total state personal income and to provide for exception for a declared emergency.
2. Prohibit local government from adding new or increasing existing taxes without voter approval.
3. Prohibit the state from adopting new or expanding present local programs without full state funding.
4. Prohibit the state from reducing existing level of aid to local governments, taken as a group.
5. Require voter approval of certain bonded indebtedness.

Should this amendment be adopted?

YES ☐

NO ☐

PROPOSAL A

PROPOSED CONSTITUTIONAL AMENDMENT

(AMENDMENT TO ARTICLE 8, SECTION 2, AND ARTICLE 9, SECTIONS 6 AND 31 AND TO ADD TO ARTICLE 9, SECTIONS 6A AND 26A OF THE STATE CONSTITUTION, PROPOSED BY INITIATIVE PETITION TO MAKE LOCAL SCHOOL BOARDS RESPONSIBLE FOR SCHOOL PERSONNEL AND PROGRAMS, TO REDUCE LOCAL PROPERTY TAX MAXIMUMS FOR OPERATIONAL PURPOSES, TO PROVIDE ADDITIONAL PROPERTY TAX RELIEF FOR SENIOR RETIREES, AND REQUIRE THE STATE TO RAISE REVENUES NECESSARY FOR EQUAL PER-PUPIL FUNDING OF PUBLIC SCHOOLS.)

The following is the language of the proposed amendment as it appears on the initiative petition, amendment to constitution. Words appearing in capital letters are new language.

Article 8, Section 2, and Article 9, Sections 6, 6A, 26A and 31 will read as follows if the proposed amendment is adopted:

ARTICLE VIII

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. THE LEGISLATURE SHALL ENSURE THAT PUBLIC ELEMENTARY AND SECONDARY PUPILS SHALL HAVE EQUAL OPPORTUNITY OF ACCESS TO AND EXPERIENCE OF QUALITY EDUCATIONAL PROGRAMS REASONABLY RELATED TO THE PUPILS' EDUCATIONAL NEEDS, CAPABILITIES AND INTERESTS. THE LEGISLATURE SHALL PROVIDE FOR BOARDS OF INTERMEDIATE SCHOOL DISTRICTS AND FOR THE ELECTION OF BOARDS OF EDUCATION OF LOCAL SCHOOL DISTRICTS. EACH BOARD SHALL BE RESPONSIBLE FOR THE EMPLOYMENT OF PERSONNEL AND THE EDUCATIONAL PROGRAMS AND SERVICES FOR THE PUPILS OF ITS DISTRICT.

No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school. No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation of students to and from any school.

9

STATE PROPOSALS

General Election, November 4, 1980

ARTICLE IX

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 13 mills on each dollar of the STATE-EQUALIZED valuation of property NOR SHALL IT EXCEED THE FOLLOWING LIMITATIONS: SEVEN MILLS FOR THE COUNTY, TWO MILLS FOR THE TOWNSHIP, ONE MILL FOR THE COMMUNITY COLLEGE, ONE AND ONE-HALF MILLS FOR SPECIAL EDUCATION, ONE MILL FOR VOCATIONAL EDUCATION AND ONE-HALF MILL FOR INTERMEDIATE SCHOOL DISTRICTS. REVENUES SHALL BE USED FOR PURPOSES DEFINED BY LAW. A COUNTY SHALL NOT LEVY ANY MILLS IN EXCESS OF THE AMOUNT OF MILLAGE THE COUNTY WAS AUTHORIZED TO LEVY ON THE DATE THIS AMENDMENT BECOMES EFFECTIVE UNLESS THE INCREASE IS APPROVED BY A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION.

These limitations may be increased to an aggregate of not to exceed $24\frac{1}{2}$ mills on each dollar of valuation, SUBJECT TO THE FOLLOWING LIMITATIONS: EIGHT MILLS FOR THE COUNTY, FOUR MILLS FOR THE TOWNSHIP, TWO AND ONE-HALF MILLS FOR THE COMMUNITY COLLEGE, AND 10 MILLS FOR ALL OTHER EDUCATIONAL PURPOSES, INCLUDING SPECIAL EDUCATION, VOCATIONAL EDUCATION AND INTERMEDIATE SCHOOL DISTRICTS, 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 11 of this constitution, voting on the question. MILLAGE RATES AUTHORIZED ON THE DATE THIS AMENDMENT BECOMES EFFECTIVE MAY BE CONTINUED FOR THE PERIOD AUTHORIZED TO THE EXTENT PERMITTED BY THESE LIMITATIONS AND PROVIDED BY LAW.

NOTWITHSTANDING THE FOREGOING LIMITATIONS, GENERAL AD VALOREM TAXES MAY BE IMPOSED BY THE LEGISLATURE ON ALL TAXABLE PROPERTY, EXCEPT HOMESTEADS OF THE RESIDENTIAL CLASS AND FAMILY-OWNED AND OPERATED FARMS OF RESIDENTS OF THIS STATE OF THE AGRICULTURAL CLASS AS DEFINED BY LAW, ON A UNIFORM STATEWIDE BASIS IN AN AGGREGATE OF NOT TO EXCEED $30\frac{1}{2}$ MILLS FOR THE SUPPORT OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL OPERATIONAL PURPOSES.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds approved by the electors or other evidences of indebtedness approved by the electors or for the payment of assessments or contract obligations in anticipation of which bonds are issued approved by the electors, which taxes may be imposed without limitation as to rate or amount; or, subject to the provisions of SECTIONS 25 through 34 of this article, 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.

THAT PORTION OF THE STATE EQUALIZED VALUE OF THE HOMESTEAD OF A RETIRED PERSON 65 YEARS OF AGE OR OVER, THAT IS NOT IN EXCESS OF \$25,000.00, SHALL BE EXEMPT FROM AD VALOREM PROPERTY TAXES. THE AMOUNT OF THE EXEMPTION PROVIDED BY THIS PARAGRAPH SHALL BE ADJUSTED ANNUALLY PURSUANT TO THE INCREASE OR DECREASE IN THE DETROIT CONSUMER PRICE INDEX—ALL ITEMS OR A SIMILAR INDEX AS DETERMINED BY LAW. THIS EXEMPTION SHALL APPLY TO A HOMESTEAD HELD JOINTLY WITH A SPOUSE IF ONE OF THE OWNERS IS 65 YEARS OF AGE OR OVER. THE LEGISLATURE SHALL REIMBURSE EACH YEAR TO THE UNITS OF LOCAL GOVERNMENT AN AMOUNT EQUAL TO WHAT THE UNITS WOULD HAVE RECEIVED IF THE HOMESTEADS WERE NOT EXEMPT FROM AD VALOREM TAXATION PURSUANT TO THIS PARAGRAPH.

Sec. 6a. THE LEGISLATURE SHALL ESTABLISH A PROGRAM OF GENERAL STATE TAXATION AND A

METHOD OF DISTRIBUTING FUNDS TO ENSURE EQUAL PER-PUPIL STATE FINANCIAL SUPPORT FOR ALL LOCAL SCHOOL DISTRICTS FOR GENERAL OPERATIONAL PURPOSES. THERE SHALL BE ESTABLISHED A FUND WHICH SHALL BE USED EXCLUSIVELY FOR THIS PURPOSE. ALL GENERAL AD VALOREM TAXES IMPOSED BY THE LEGISLATURE ON PROPERTY AS AUTHORIZED BY SECTION 6 OF THIS ARTICLE AND OTHER TAX REVENUES PROVIDED BY LAW SHALL BE DEDICATED TO THIS FUND. REVENUES MAY BE TRANSFERRED TO THIS FUND FROM THE FUND ESTABLISHED BY SECTION 11 OF THIS ARTICLE.

THE LEGISLATURE SHALL IMPLEMENT THE REQUIREMENTS OF THIS SECTION IN STAGES DURING A PHASE-IN PERIOD OF NOT MORE THAN FIVE YEARS AFTER THE DATE THIS SECTION BECOMES EFFECTIVE. DURING THIS PERIOD, NO SCHOOL DISTRICT SHALL RECEIVE AN AMOUNT PER PUPIL UNDER THIS SECTION WHICH, IN COMBINATION WITH STATE SCHOOL AID PAYMENTS AND THE AMOUNT OF REVENUE WHICH IS OR WOULD BE RAISED BY 7 MILLS IF LEVIED, IS LESS THAN THE TOTAL AMOUNT OF REVENUE PER PUPIL FOR GENERAL OPERATIONAL PURPOSES RECEIVED BY THE DISTRICT ON THE DATE THIS SECTION BECOMES EFFECTIVE.

AFTER THE PHASE-IN PERIOD, NO DISTRICT SHALL RECEIVE AN AMOUNT PER PUPIL UNDER THIS SECTION WHICH, IN COMBINATION WITH STATE SCHOOL AID PAYMENTS, IS LESS THAN THE HIGHEST AMOUNT PER PUPIL RECEIVED BY THE DISTRICT FROM THESE SOURCES DURING THE PHASE-IN PERIOD.

7

STATE PROPOSALS

General Election, November 4, 1980

THE LEGISLATURE SHALL PROVIDE BY LAW FOR A LOCAL INCOME TAX OPTION OF NOT TO EXCEED ONE PERCENT, IN LIEU OF ANY PORTION OF THE 7 MILL TAX FOR GENERAL EDUCATIONAL PURPOSES AUTHORIZED BY SECTION 6 OF THIS ARTICLE, AS LONG AS THE TOTAL REVENUE ON THE COMBINATION OF THE LOCAL INCOME TAX AND PROPERTY TAX DOES NOT EXCEED THE TOTAL REVENUE FROM THE GREATER OF A ONE PERCENT LOCAL INCOME TAX OR A 7 MILL PROPERTY TAX. THE LOCAL INCOME TAX OPTION SHALL PERMIT AN INCOME TAX TO BE LEVIED ON ONE OR MORE CLASSES OF TAXPAYERS, AS DEFINED, PROVIDED THAT NO TAXPAYER IS SUBJECT TO A GREATER COMBINED INCOME AND PROPERTY TAX THAN HE WOULD BE SUBJECT TO IF THE INCOME TAX WERE LEVIED ON ALL TAXPAYERS OF THE SCHOOL DISTRICT. ONLY TAXPAYERS SUBJECT TO THE INCOME TAX SHALL RECEIVE A REDUCTION IN THE PROPERTY TAX. THE LOCAL INCOME TAX AUTHORIZED BY THIS SECTION SHALL NOT BE IMPOSED IN ANY LOCAL SCHOOL DISTRICT UNLESS APPROVED BY THE DISTRICT'S ELECTORS.

NOTHING IN THIS SECTION SHALL PROHIBIT THE LEGISLATURE, IN THE FUNDING OF THE ADDED COST OF SPECIAL EDUCATION, VOCATIONAL EDUCATION, INTERMEDIATE SCHOOL DISTRICTS, AND OTHER SPECIAL SERVICES, AS PROVIDED BY LAW, FROM TAKING INTO REASONABLE ACCOUNT LOCAL OR REGIONAL VARIATIONS IN THE NEEDED LEVEL AND COST OF SUCH SERVICES.

SEC. 26A. THE REVENUE LIMITATIONS ESTABLISHED IN SECTION 26 SHALL NOT APPLY TO ADDITIONAL TAXES IMPOSED FOR THE SUPPORT OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL OPERATIONAL PURPOSES DURING THE FISCAL YEAR 1986 OR THE MAINTENANCE OF THAT AMOUNT OF SUPPORT IN SUCCEEDING YEARS. FUNDS DISTRIBUTED TO LOCAL SCHOOL DISTRICTS FOR GENERAL OPERATIONAL PURPOSES PURSUANT TO SECTION 6A OF THIS ARTICLE, AND FUNDS DISTRIBUTED TO UNITS OF LOCAL GOVERNMENT PURSUANT TO THE LAST PARAGRAPH OF SECTION 6 OF THIS ARTICLE, SHALL NOT BE CONSIDERED IN CALCULATING THE PROPORTION OF TOTAL STATE SPENDING REQUIRED TO BE PAID TO ALL UNITS OF LOCAL GOVERNMENT UNDER SECTION 30 OF THIS ARTICLE, EXCEPT THAT PROPORTION OF SUCH FUNDS THAT WAS INCLUDED IN DETERMINING THE PROPORTION OF TOTAL STATE SPENDING PAID TO ALL UNITS OF LOCAL GOVERNMENT PURSUANT TO SECTION 30 IN FISCAL YEAR 1978-79.

Sec. 31. Units of Local Government are hereby prohibited from levying any tax not authorized by law or charter when this section is ratified or from increasing the rate of an existing tax above that rate authorized by law or charter when this section is ratified, without the approval of a majority of the qualified electors of that unit of Local Government voting thereon. If the definition of the base of an existing tax is broadened, the maximum authorized rate of taxation on the new base in each unit of Local Government shall be reduced to yield the same estimated gross revenue as on the prior base. If the assessed valuation OF ANY CLASS of property as finally equalized, excluding the value of new construction and improvements, HAS INCREASED FROM THE PREVIOUS YEAR by a larger percentage than the increase in the General Price Level from the previous year, the maximum authorized rate applied TO THAT CLASS OF PROPERTY in each unit of Local Government shall be reduced to yield the same gross revenue from THAT CLASS OF existing property, adjusted for changes in the General Price Level, THAT could have been collected at the MAXIMUM authorized rate on the PREVIOUS YEAR'S assessed value.

The limitations of this section shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidence of indebtedness or for the payment of assessments OR contract obligations in anticipation of which bonds are issued which were authorized prior to the effective date of this amendment.

STATE PROPOSALS

General Election, November 4, 1980

Article 9 has no sections 6A and 26A. Article 8, Section 2, and Article 9, Sections 6 and 31 now read as follows:

ARTICLE VIII

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.

No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school. No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation of students to and from any school.

ARTICLE IX

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 11 of this constitution, voting on the question.

The foregoing limitation shall not apply to taxes imposed for the payment of principal and interest on bonds approved by the electors or other evidences of indebtedness approved by the electors or for the payment of assessments or contract obligations in anticipation of which bonds are issued approved by the electors, which taxes may be imposed without limitation as to rate or amount; or, subject to the provisions of Section 25 through 34 of this article, 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. 31. Units of Local Government are hereby prohibited from levying any tax not authorized by law or charter when this section is ratified or from increasing the rate of an existing tax above that rate authorized by law or charter when this section is ratified, without the approval of a majority of the qualified electors of that unit of Local Government voting thereon. If the definition of the base of an existing tax is broadened, the maximum authorized rate of taxation on the new base in each unit of Local Government shall be reduced to yield the same estimated gross revenue as on the prior base. If the assessed valuation of property as finally equalized, excluding the value of new construction and improvements, increases by a larger percentage than the increase in the General Price Level from the previous year, the maximum authorized rate applied thereto in each unit of Local Government shall be reduced to yield the same gross revenue from existing property, adjusted for changes in the General Price Level, as could have been collected at the existing authorized rate on the prior assessed value.

The limitations of this section shall not apply to taxes imposed for the payment of principals and interest on bonds or other evidence of indebtedness or for the payment of assessments on contract obligations in anticipation of which bonds are issued which were authorized prior to the effective date of this amendment.

-8-

STATE PROPOSALS
General Election, November 4, 1980

The following is the official ballot wording:

PROPOSAL A

PROPOSAL TO MAKE LOCAL SCHOOL BOARDS RESPONSIBLE FOR SCHOOL PERSONNEL AND PROGRAMS, TO REDUCE LOCAL PROPERTY TAX MAXIMUMS FOR OPERATIONAL PURPOSES, TO PROVIDE ADDITIONAL PROPERTY TAX RELIEF FOR SENIOR RETIREES, AND REQUIRE THE STATE TO RAISE REVENUES NECESSARY FOR EQUAL PER-PUPIL FUNDING OF PUBLIC SCHOOLS.

The proposed amendment would:

1. Make local school boards responsible for school personnel and programs.
2. Reduce current maximum property tax for county, township and educational operations from 50 to 24.5 mills and allocate millage.
3. Allow state 30.5 mill school property tax on non-homesteads.
4. Eliminate property taxes on \$25,000.00 of home assessments of retirees 65 and older.
5. Require general state taxation for equal per-pupil school financing at highest state support level.
6. Limit local school tax to 7 mills or 1% income tax by vote of electors.
7. Exclude additional school financing from other revenue and spending limits of constitution and require millage reduction by class.

Should this amendment be adopted?

YES ☐

NO ☐

187

STATE PROPOSALS
General Election, November 4, 1980

PROPOSAL D

PROPOSED CONSTITUTIONAL AMENDMENT

(AMENDMENT TO ARTICLE 9, SECTIONS 1, 2, 3 AND 31, AND ADDITION OF SECTIONS 2A, 3A, 3B, 3C, 3D, 3E, 3F, 33A AND 33B, PROPOSED BY INITIATIVE PETITION, TO DECREASE PROPERTY TAXES AND PROHIBIT NEW TYPES OF HOMESTEAD TAXES; TO REQUIRE 60% VOTER APPROVAL TO RAISE STATE TAXES OR FEES; TO REQUIRE PARTIAL STATE REIMBURSEMENT TO LOCAL UNITS FOR LOST INCOME; TO LIMIT LEGISLATURE'S ABILITY TO CHANGE TAX EXEMPTIONS OR CREDITS OR CHANGE PER-PUPIL FORMULA.

The following is the language of the proposed amendment as it appears on the petition to amend constitution. (Words appearing in capital letters are new language.)

Article 9, Sections 1, 2, 2A, 3, 3A, 3B, 3C, 3D, 3E, 3F, 31, 33A and 33B, will read as follows if the proposed amendment is adopted:

Section 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government. NO NEW TAX SHALL BE IMPOSED AGAINST THE PRINCIPAL HOMESTEAD OF ANY HOUSEHOLDER OR ANY NEW PROPERTY CONSTRUCTION WHICH IS DESIGNED TO BE USED AS A PRINCIPAL HOMESTEAD.

Section 2. The power of taxation IS GRANTED TO THE LEGISLATURE BY THE PEOPLE AND CANNOT be surrendered, suspended or contracted away. THE LEGISLATURE SHALL NOT IMPOSE ANY NEW TAX NOR SHALL THERE BE ANY INCREASE IN THE RATE OF OR ANY BROADENING OF THE BASE OF ANY TAX WHICH WAS IN EFFECT DURING THE CALENDAR YEAR 1978, UNTIL SUCH PROPOSED TAX OR INCREASED TAX IS FIRST APPROVED BY AFFIRMATION OF THE ELECTORS VOTING ON THE QUESTION AT THE NEXT GENERAL ELECTION FOLLOWING THE PASSAGE OF THE LEGISLATION PROPOSING SUCH TAX OR INCREASED TAX.

Section 2(a). SIXTY (60) PERCENT OF THE VOTES CAST IN FAVOR OF THE QUESTION SHALL CONSTITUTE AFFIRMATION.

Section 3. The legislature shall provide for the uniform ad valorem taxation OF CLASSES of real and tangible personal property not exempt by SUBSECTIONS 9(a), 9(b), 9(f), 9(h), 9(j), 9(k), 9(n) and 9(p), SECTION 9 OF PUBLIC ACT 206 OF 1893, AS AMENDED. 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 assessed, which shall not, after DECEMBER 30, 1980, EXCEED TWENTY-FIVE (25) PERCENT OF THE TRUE CASH VALUE ON WHICH THE STATE EQUALIZED VALUE WAS ESTABLISHED AND/OR DETERMINED FOR THE 1978 TAX YEAR; and for a system of equalization of assessments. FOLLOWING RATIFICATION OF THIS AMENDMENT, 1978 IS ESTABLISHED AS THE REAL PROPERTY VALUE BASE YEAR. NO PROPERTY SHALL SIMULTANEOUSLY RECEIVE THE BENEFIT OF THIS CONSTITUTIONAL REDUCTION OF THE PERCENTAGE AT WHICH SUCH PROPERTY SHALL BE UNIFORMLY ASSESSED, AND THE BENEFITS GRANTED BY PUBLIC ACTS 116 AND 198 OF 1974 AND PUBLIC ACT 255 OF 1978.

27

STATE PROPOSALS

General Election, November 4, 1980

Section 3(a). THE PRINCIPAL HOMESTEAD OF A HOUSEHOLDER WHOSE TOTAL TAXABLE INCOME IN ANY CALENDAR YEAR IS GREATER THAN \$5,000.00 BUT LESS THAN \$10,500.00, CONTEMPORIZED FROM 1980, SHALL HAVE THE AD VALOREM PROPERTY TAX DOLLAR AMOUNT FURTHER REDUCED BY ONE-HALF, AND IF SUCH INCOME IS LESS THAN \$5,000.00, SUCH PRINCIPAL HOMESTEAD SHALL BE TOTALLY EXEMPT FROM ANY PROPERTY TAXATION. THE LEGISLATURE SHALL IMPLEMENT THESE PROVISIONS COMMENCING WITH TAX YEAR 1981 BASED ON 1980 INCOME AND CONTINUING FROM YEAR TO YEAR IN SIMILAR FASHION. THE LEGISLATURE SHALL ENACT LEGISLATION TO GRANT COMPARABLE RELIEF TO RENTERS OF A PRINCIPAL HOMESTEAD.

Section 3(b). THE PRINCIPAL HOMESTEAD OF ANY HOUSEHOLDER SHALL BE EXEMPT FROM THAT PORTION OF THE AD VALOREM PROPERTY TAX WHICH IS SCHOOL DISTRICT OPERATING MILLAGE BEGINNING THE CALENDAR YEAR AFTER THE HOUSEHOLDER'S 62nd BIRTHDAY. THE LEGISLATURE SHALL ENACT LEGISLATION TO GRANT COMPARABLE RELIEF TO RENTERS OF A PRINCIPAL HOMESTEAD.

Section 3(c). THE LEGISLATURE SHALL ENACT LEGISLATION TO REIMBURSE UNITS OF LOCAL GOVERNMENT FOR AD VALOREM PROPERTY TAX REVENUES LOST EACH YEAR BECAUSE OF THE EXEMPTIONS PROVIDED IN SUBSECTIONS 3(a) AND 3(b) OF THIS ARTICLE.

Section 3(d). THE LEGISLATURE SHALL APPROPRIATE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1982, AND EACH FULL YEAR THEREAFTER A SUM OF STATE MATCHING MONEY EQUAL TO ONE HUNDRED (100) PERCENT OF THE AD VALOREM PROPERTY TAXES, EXCEPTING THOSE AMOUNTS REQUIRED TO FUND BONDED INDEBTEDNESS, WHICH ARE LEVIED BY ALL OF THE UNITS OF LOCAL GOVERNMENT WITHIN THE STATE, AND THE STATE TREASURER SHALL RETURN TO EACH OF THE SEVERAL COUNTY TREASURER'S A SUM OF MONEY EQUAL TO ONE HUNDRED (100) PERCENT OF THE TOTAL AD VALOREM PROPERTY TAXES, EXCEPTING THOSE AMOUNTS REQUIRED TO FUND BONDED INDEBTEDNESS, WHICH ARE LEVIED BY ALL OF THE UNITS OF LOCAL GOVERNMENT WITHIN EACH SUCH COUNTY. EACH COUNTY TREASURER SHALL DISTRIBUTE TO EACH UNIT OF LOCAL GOVERNMENT WITHIN THE COUNTY A SUM OF MONEY EQUAL TO ONE HUNDRED (100) PERCENT OF THE AD VALOREM PROPERTY TAXES, EXCEPTING THOSE AMOUNTS REQUIRED TO FUND BONDED INDEBTEDNESS, WHICH ARE LEVIED BY EACH SUCH UNIT. UNITS OF LOCAL GOVERNMENT RECEIVING THESE RETURNED PUBLIC TAX MONIES SHALL NOT BE SUBJECTED TO ANY CONDITIONS, RESTRICTIONS, REGULATIONS OR RULES OF ANY NATURE WHATSOEVER BY THE STATE, DENYING OR INTERFERING WITH THE RIGHT OF ANY UNIT OF LOCAL GOVERNMENT TO USE THESE RETURNED PUBLIC TAX MONIES AS IF THEY WERE LOCALLY RECEIVED FROM THE LOCAL PROPERTY TAXPAYERS AS A RESULT OF A PROPERTY TAX LEVY.

Section 3(e). ALL TAX CREDITS, EXEMPTIONS AND/OR REBATES GRANTED BY THE STATE TO ANY MICHIGAN RESIDENT FOR INCOME TAX REPORTING PURPOSES, AND INCLUDING ANY AND ALL OTHER BENEFITS GRANTED TO RENTERS, VETERANS, ELIGIBLE SERVICEMEN, WIDOWS, SENIOR CITIZENS, DISABLED, BLIND, LOW INCOME, RETIRED, PARAPLEGIC AND QUADRIPELEGIC PERSONS BY THE LAWS IN EFFECT AT THE TIME THIS AMENDMENT IS RATIFIED, SHALL NOT BE REDUCED OR DIMIN-

ISHED UNLESS SUCH PROVISION IS FIRST APPROVED BY ROLL CALL VOTE OF 4/5ths OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE OF THE LEGISLATURE.

Section 3(f). THE PROVISIONS OF SUBSECTIONS 3(a), 3(b), 3(c), 3(d), and 3(e) OF THIS ARTICLE SHALL BE LIBERALLY CONSTRUED AND INTERPRETED AS CONFERRING EXEMPTIONS AND/OR BENEFITS ACCRUING TO THE CITIZENS OF MICHIGAN AND ARE NOT PROGRAMS AND SHALL NOT BE FURTHER INTERPRETED NOR CONSTRUED AS MEANING THAT THEY ARE A PROGRAM OR PROGRAMS NOR THAT THE RESPONSIBILITY FOR FUNDING THEM AS A PROGRAM OR PROGRAMS IS TRANSFERRED FROM ONE LEVEL OF GOVERNMENT TO ANOTHER WITHIN THE PURVIEW OF SECTION 26, ARTICLE IX OF THIS CONSTITUTION. THE LEGISLATURE SHALL NOT CHANGE, ADJUST OR ALTER THE STATE SCHOOL AID FORMULA IN EFFECT FOR FISCAL YEAR 1980-81, OR ANY FISCAL YEAR THEREAFTER, TO DIMINISH OR REDUCE THE YIELD IN NUMBER OF DOLLARS PER MILL PER CHILD IN ANY SCHOOL DISTRICT OF THE STATE WITHOUT APPROVAL OF THE GOVERNOR AND CONSENT, BY ROLL CALL VOTE, OF 4/5ths OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE OF THE LEGISLATURE. PAYMENTS MADE UNDER SUBSECTIONS 3(c) AND 3(d) SHALL NOT BE CONSIDERED AS STATE SPENDING PAID TO UNITS OF LOCAL GOVERNMENT WITHIN THE PURVIEW OF SECTION 30, ARTICLE IX OF THIS CONSTITUTION.

Section 31. Units of local government are hereby prohibited from levying any tax not authorized by law or charter when this section is ratified or from increasing the rate of an existing tax above that rate authorized by law or charter when this section is ratified, without the approval of a majority of the qualified electors of that unit of local government voting thereon. If the definition of the base of an existing tax is broadened, the maximum authorized rate of taxation on the new base in each unit of local government shall be reduced to yield the same estimated gross revenue as on the prior base. THE ASSESSED VALUE OF ALL REAL AND TANGIBLE PERSONAL PROPERTY, AS FINALLY EQUALIZED FOR THE 1978 TAX YEAR PURSUANT TO SECTION 3 OF THIS ARTICLE, MAY REFLECT FROM YEAR TO YEAR COMMENCING DECEMBER 31, 1981, AN INFLATIONARY INCREASE WHICH SHALL NOT EXCEED IN ANY ONE YEAR THE GENERAL PRICE LEVEL FROM THE PREVIOUS YEAR EXCEPT THAT ANY INCREASE ON PROPERTY OF THE RESIDENTIAL AND AGRICULTURAL CLASSES SHALL NOT EXCEED 2.0 PERCENT IN ANY ONE YEAR. ALL NEW PROPERTY

277

STATE PROPOSALS

General Election, November 4, 1980

CONSTRUCTION AND ADDITIONS TO EXISTING PROPERTY SHALL BE ASSESSED TO REFLECT THE TRUE CASH VALUE EQUAL TO BUT NOT EXCEEDING THE VALUE OF SUCH NEW OR ADDED CONSTRUCTION AS IF THE VALUE HAD BEEN ESTABLISHED FOR THE 1978 TAX YEAR AND AS IF IT HAD BEEN ENTERED UPON THE TAX ROLL FOR THE 1978 TAX YEAR AND SUBJECT TO THE INFLATIONARY INCREASES ALLOWED IN THIS SECTION. The limitations of this section shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidence of indebtedness or for the payment of assessments OR contract obligations in anticipation of which bonds are issued which were authorized prior to the effective date of this amendment.

Section 33(a). DEFINITIONS. THE DEFINITIONS OF THIS SUBSECTION AND THE DEFINITION OF "LOCAL GOVERNMENT" CONTAINED IN SECTION 33 OF THIS ARTICLE SHALL APPLY TO ARTICLE IX OF THIS CONSTITUTION. "PRINCIPAL HOMESTEAD" MEANS A DWELLING, A UNIT IN A MULTIPLE UNIT DWELLING, OR THE STRICTLY RESIDENTIAL PORTIONS OF A MULTIPURPOSE BUILDING OR STRUCTURE, SITUATED ON AND TOGETHER WITH A LAND PARCEL NOT EXCEEDING ONE (1) ACRE IN SIZE THAT IS OCCUPIED BY A MICHIGAN RESIDENT HOUSEHOLDER FOR NOT LESS THAN 183 DAYS DURING THE CALENDAR YEAR. "HOUSEHOLDER" MEANS ANY NATURAL PERSON AND/OR HIS OR HER SPOUSE, A RESIDENT OF MICHIGAN, WHO OWNS, RENTS OR LEASES A HOMESTEAD. "CONTEMPORIZED" WHEN REFERRING TO INCOME OR VALUE MEANS A FIXED SUM OF MONEY STATED AS OF THE STIPULATED BASE YEAR AND ADJUSTED ANNUALLY BY THE CONSUMER PRICE INDEX FOR THE UNITED STATES AS DEFINED AND OFFICIALLY REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR OR ITS SUCCESSOR AGENCY, AND THE PRODUCT OF SUCH ADJUSTMENTS SHALL RESULT IN A VALUE WHICH SHALL HAVE THE SAME PURCHASING POWER IN EACH SUCCEEDING YEAR. "TOTAL TAXABLE INCOME" SHALL MEAN THE ADJUSTED GROSS INCOME AS DEFINED BY THE UNITED STATES INTERNAL REVENUE CODE. "AGRICULTURAL" MEANS PARCELS OF AGRICULTURAL LAND WITH OR WITHOUT BUILDINGS, THE TILLABLE PORTIONS OF WHICH ARE PRINCIPALLY IN USE FOR THE PRODUCTION OF ANY FOOD, FUEL OR FIBER PRODUCT USEFUL FOR HUMAN OR DOMESTIC ANIMAL CONSUMPTION. "TAX" MEANS ANY MONEY COLLECTED BY THE STATE OR ANY UNIT OF LOCAL GOVERNMENT TO PAY FOR ANY SERVICE OR PRODUCT PERFORMED OR PRODUCED BY THE STATE OR ANY UNIT OF LOCAL GOVERNMENT AND SHALL BE INTERPRETED AND CONSTRUED AS INCLUDING ANY FEE, LEVY, USER CHARGE, SPECIAL ASSESSMENT, LICENSE, PERMIT, WEIGHT OR VOLUME TAX OR ANY IMPOSITION OF ANY NATURE WHATSOEVER TO INCLUDE APPROPRIATION TO MEET DEFICIENCIES IN STATE FUNDS. "NEW TAX" MEANS ANY TAX NOT DEVISED, SPECIFIED, IDENTIFIED OR TITLED AND WHICH IS NOT IN EFFECT WHEN THIS AMENDMENT IS ADOPTED.

Section 33(b). IF ANY SECTION, SUBSECTION OR PART THEREOF IS FOR ANY REASON HELD TO BE INVALID OR UNCONSTITUTIONAL, THE REMAINING SECTIONS AND SUBSECTIONS OR PARTS SHALL NOT BE AFFECTED BUT WILL REMAIN IN FULL FORCE AND EFFECT.

- 784

STATE PROPOSALS

General Election, November 4, 1980

Article 9 now has no sections 2A, 3A, 3B, 3C, 3D, 3E, 3F, 33A, and 33B. Article 9, Sections 1, 2, 3, and 31 now read as follows:

Section. 1. The legislature shall impose taxes sufficient with other resources to pay the expenses of state government.

Section 2. The power of taxation shall never be surrendered, suspended or contracted away.

Section 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.

Section 31. Units of Local Government are hereby prohibited from levying any tax not authorized by law or charter when this section is ratified or from increasing the rate of an existing tax above that rate authorized by law or charter when this section is ratified, without the approval of a majority of the qualified electors of that unit of Local Government voting thereon. If the definition of the base of an existing tax is broadened, the maximum authorized rate of taxation on the new base in each unit of Local Government shall be reduced to yield the same estimated gross revenue as on the prior base. If the assessed valuation of property as finally equalized, excluding the value of new construction and improvements, increases by a larger percentage than the increase in the General Price Level from the previous year, the maximum authorized rate applied thereto in each unit of Local Government shall be reduced to yield the same gross revenue from existing property, adjusted for changes in the General Price Level, as could have been collected at the existing authorized rate on the prior assessed value.

The limitations of this section shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidence of indebtedness or for the payment of assessments on contract obligations in anticipation of which bonds are issued which were authorized prior to the effective date of this amendment.

The following is the official ballot wording:

PROPOSAL D

PROPOSAL TO DECREASE PROPERTY TAXES AND PROHIBIT NEW TYPES OF HOMESTEAD TAXES; TO REQUIRE 60% VOTER APPROVAL TO RAISE STATE TAXES OR FEES; TO REQUIRE PARTIAL STATE REIMBURSEMENT TO LOCAL UNITS FOR LOST INCOME; TO LIMIT LEGISLATURE'S ABILITY TO CHANGE TAX EXEMPTIONS OR CREDITS OR CHANGE PER-PUPIL FORMULA.

The proposed amendment would:

1. Prohibit new types of homestead taxes.
2. Prohibit new or increased state taxes without 60% voter approval.
3. Provide for taxation of property by class.
4. Eliminate certain property tax exemptions.
5. Reduce appraisal of all property to 25% of 1978 value; limit future residential and agricultural increases to 2% per year.
6. Expand homestead tax reductions for low-income and seniors, including renters.
7. Mandate additional state reimbursement to local governments for portion of lost revenue by possible reduction of some existing state services.
8. Require 4/5 vote of legislature to reduce income tax exemptions or credits or change per-pupil formula.

Should the proposed amendment be adopted?

YES ☐

NO ☐

PROPOSAL 02-1

A PROPOSAL TO AMEND THE PROVISION OF THE STATE CONSTITUTION GOVERNING THE OPERATION OF THE STATE OFFICERS COMPENSATION COMMISSION (SOCC)

The proposed constitutional amendment would:

- Add Attorney General and Secretary of State to list of state officials whose salaries and expense allowances are determined by the SOCC. The list currently includes the State Legislature, Governor, Lieutenant Governor and Supreme Court Justices.
- Require the legislature to approve by majority vote any salary and expense allowance determinations proposed by the SOCC before determinations go into effect. Currently, the SOCC's determinations go into effect unless rejected by a 2/3 vote of legislature.
- Allow legislature to reduce compensation increases proposed by the SOCC.
- Provide that the SOCC's salary and expense determinations would take effect after the next general election.

Should this proposal be adopted?

Yes ☐

No ☐

PROPOSAL 02-2

PROPOSED CONSTITUTIONAL AMENDMENT

A PROPOSAL TO ALLOW CERTAIN PERMANENT AND ENDOWMENT FUNDS TO BE INVESTED AS PROVIDED BY LAW AND INCREASE ALLOWED SPENDING FOR STATE PARKS, LOCAL PARKS AND OUTDOOR RECREATION. PROPOSAL PROVIDED UNDER SENATE JOINT RESOLUTION T OF 2002.

Article IX, Sections 19 and 35, Section 36 related to the Michigan state parks endowment fund, and Section 37 of the State Constitution will read as follows if the proposed amendment is adopted:

Article IX

Sec. 19. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except as follows:

- Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law.
- 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.
- Funds held as permanent funds or endowment funds other than those described in subdivision (b) may be invested as provided by law.

Except as otherwise provided in this section, other state funds or money may be invested in accounts of a bank, savings and loan association, or credit union organized under the laws of this state or federal law, as provided by law.

Sec. 35. There is hereby established the Michigan natural resources trust fund. The trust fund shall consist of all bonuses, rentals, delayed rentals, and royalties collected or reserved by the state under provisions of leases for the extraction of nonrenewable resources from state owned lands, except such revenues accruing under leases of state owned lands acquired with money from federal or federal game and fish protection funds or revenues accruing from lands purchased with such revenues. The trust fund may receive appropriations, money, or other things of value. The assets of the trust fund shall be invested as provided by law.

Until the trust fund reaches an accumulated principal of \$500,000,000.00, \$10,000,000.00 of the revenues from bonuses, delayed rentals, and royalties shall be deposited in the trust fund.

vestment of funds held in trust by trustees.

) Funds held as permanent funds or endowment funds other than those described in subdivision (b) may be invested as provided by law.

Except as otherwise provided in this section, other state funds or money may be invested in accounts of a bank, savings and loan association, or credit union organized under the laws of this state or federal law, as provided by law.

Sec. 35. There is hereby established the Michigan natural resources trust fund. The trust fund shall consist of all bonuses, rentals, delayed rentals, and royalties collected or reserved by the state under provisions of leases for the extraction of nonrenewable resources from state owned lands, except such revenues accruing under leases of state owned lands acquired with money from state or federal game and fish protection funds or revenues accruing from lands purchased with such revenues. The trust fund may receive appropriations, money, or other things of value. The assets of the trust fund shall be invested as provided by law.

Until the trust fund reaches an accumulated principal of \$500,000,000.00, \$10,000,000.00 of the revenues from bonuses, rentals, delayed rentals, and royalties described in this section otherwise dedicated to the trust fund that are received by the state each state fiscal year shall be deposited into the Michigan state parks endowment fund. However, until the trust fund reaches an accumulated principal of \$500,000,000.00, in any state fiscal year, not more than 50 percent of the total revenues from bonuses, rentals, delayed rentals, and royalties described in this section otherwise dedicated to the trust fund that are received by the state each state fiscal year shall be deposited into the Michigan state parks endowment fund.

The amount accumulated in the trust fund in any state fiscal year shall not exceed \$500,000,000.00, exclusive of interest and earnings and amounts authorized for expenditure pursuant to this section. When the accumulated principal of the trust fund reaches \$500,000,000.00, all revenue from bonuses, rentals, delayed rentals, and royalties described in this section that would be received by the trust fund but for this limitation shall be deposited into the Michigan state parks endowment fund until the Michigan state parks endowment fund reaches an accumulated principal of \$800,000,000.00. When the Michigan state parks endowment fund reaches an accumulated principal of \$800,000,000.00, all revenues from bonuses, rentals, delayed rentals, and royalties described in this section shall be distributed as provided by law.

The interest and earnings of the trust fund shall be expended for the acquisition of land or rights in land for recreational uses or protection of the land because of its environmental importance or its scenic beauty, for the development of public recreation facilities, and for the administration of the trust fund, which may include payments in lieu of taxes on state owned land purchased through the trust fund. The trust fund may provide grants to units of local government or public authorities which shall be used for the purposes of this section. The legislature shall provide that a portion of the cost of a project funded by such grants be provided by the local unit of government or public authority.

Until the trust fund reaches an accumulated principal of \$500,000,000.00, the legislature may provide, in addition to the expenditure of interest and earnings authorized by this section, that a portion, not to exceed $33\frac{1}{3}$ percent, of the revenues from bonuses, rentals, delayed rentals, and royalties described in this section received by the trust fund during each state fiscal year may be expended during subsequent state fiscal years for the purposes of this section.

Not less than 25 percent of the total amounts made available for expenditure from the trust fund from any state fiscal year shall be expended for acquisition of land and rights in land and not more than 25 percent of the total amounts made available for expenditure from the trust fund from any state fiscal year shall be expended for development of public recreation facilities.

The legislature shall provide by law for the establishment of a trust fund board within the department of natural resources. The trust fund board shall recommend the projects to be funded. The board shall submit its recommendations to the governor who shall submit the board's recommendations to the legislature in an appropriations bill.

The legislature shall provide by law for the implementation of this section.

Sec. 35a. There is hereby established the Michigan state parks endowment fund. The endowment fund shall consist of revenues as provided in section 35 of this article, and as provided by law. The endowment fund may also receive private contributions of money or other things of value. All money in the Genevieve Gillette state parks endowment fund shall be transferred to the endowment fund. The assets of the endowment fund shall be invested as provided by law.

The accumulated principal of the endowment fund shall not exceed \$800,000,000.00, which amount shall be annually adjusted pursuant to the rate of inflation beginning when the endowment fund reaches \$800,000,000.00. This annually adjusted figure is the accumulated principal limit of the endowment fund.

Money available for expenditure from the endowment fund as provided in this section shall be expended for operations, maintenance, and capital improvements at Michigan state parks and for the acquisition of land or rights in land for Michigan state parks.

STATE PROPOSALS – August 6, 2002

Money in the endowment fund shall be expended as follows:

- (1) Until the endowment fund reaches an accumulated principal of \$800,000,000.00, each state fiscal year the legislature may appropriate not more than 50 percent of the money received under section 35 of this article plus interest and earnings and any private contributions or other revenue to the endowment fund.
- (2) Once the accumulated principal in the endowment fund reaches \$800,000,000.00, only the interest and earnings of the endowment fund in excess of the amount necessary to maintain the endowment fund's accumulated principal limit may be made available for expenditure.

Unexpended appropriations of the endowment fund from any state fiscal year as authorized by this section may be carried forward or may be appropriated as determined by the legislature for purposes of this section.

The legislature shall provide by law for implementation of this section.

Sec. 37. The Michigan veterans' trust fund is established within the department of treasury. All money in the fund established by 1946 (1st Ex Sess) PA 9 shall be transferred to the Michigan veterans' trust fund. The trust fund may additionally receive appropriations, money, or other things of value. The state treasurer shall direct investment of the fund as provided by law, and credit interest and earnings of the fund to the fund. Except for the state treasurer's actions authorized under this section, an expenditure or transfer of a trust fund asset, interest, or earnings may be made only upon the authorization of a majority of the members of the Michigan veterans' trust fund board of trustees.

Article IX, Sections 19 and 35, Section 36 related to the Michigan state parks endowment fund, and Section 37 of the State Constitution now read as follows:

Article IX

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 and other state funds or money may be invested in accounts of a bank, savings and loan association, or credit union organized under the laws of this state or federal law, as provided by law.

Sec. 35. There is hereby established the Michigan natural resources trust fund. The trust fund shall consist of all bonuses, rentals, delayed rentals, and royalties collected or reserved by the state under provisions of leases for the extraction of nonrenewable resources from state owned lands, except such revenues accruing under leases of state owned lands acquired with money from state or federal game and fish protection funds or revenues accruing from lands purchased with such revenues. The trust fund may receive appropriations, money, or other things of value.

All money in the state recreational land acquisition trust and the heritage trust shall be transferred to the trust fund. Until September 30, 1994, the legislature may provide by law that revenues otherwise dedicated to the trust fund be distributed to the Michigan economic development authority under the terms and in amounts not to exceed the distributions allowed by law on March 30, 1984. The legislature shall provide by law that all rights acquired by holders of bonds heretofore issued by the Michigan economic development authority shall remain unimpaired. Until the trust fund reaches an accumulated principal of \$400,000,000.00, \$10,000,000.00 of the revenues from bonuses, rentals, delayed rentals, and royalties described in this section otherwise dedicated to the trust fund that are received by the state each state fiscal year shall be deposited into the Michigan state parks endowment fund. However, until the trust fund reaches an accumulated principal of \$400,000,000.00, in any state fiscal year, not more than 50 percent of the total revenues from bonuses, rentals, delayed rentals, and royalties described in this section otherwise dedicated to the trust fund that are received by the state each state fiscal year shall be deposited into the Michigan state parks endowment fund.

The amount accumulated in the trust fund in any state fiscal year shall not exceed \$400,000,000.00, exclusive of interest and earnings and amounts authorized for expenditure pursuant to this section. When the accumulated principal of the trust fund reaches \$400,000,000.00, all revenue from bonuses, rentals, delayed rentals, and royalties described in this section that would be received by the trust fund but for this limitation shall be deposited into the Michigan state parks endowment fund until the Michigan state parks endowment fund reaches an accumulated principal of \$800,000,000.00. When the Michigan state parks endowment fund reaches an accumulated principal of \$800,000,000.00, all revenues from bonuses, rentals, delayed rentals, and

earnings and amounts authorized for expenditure pursuant to this section when the accumulated principal of the trust fund reaches \$400,000,000.00, all revenue from bonuses, rentals, delayed rentals, and royalties described in this section that would be received by the trust fund but for this limitation shall be deposited into the Michigan state parks endowment fund until the Michigan state parks endowment fund reaches an accumulated principal of \$800,000,000.00. When the Michigan state parks endowment fund reaches an accumulated principal of \$800,000,000.00, all revenues from bonuses, rentals, delayed rentals, and royalties described in this section shall be distributed as provided by law.

The interest and earnings of the trust fund shall be expended for the acquisition of land or rights in land for recreational uses or protection of the land because of its environmental importance or its scenic beauty, for the development of public recreation facilities, and for the administration of the trust fund, which may include payments in lieu of taxes on state owned land purchased through the trust fund. The trust fund may provide grants to units of local government or public authorities which shall be used for the purposes of this section. The legislature shall provide that a portion of the cost of a project funded by such grants be provided by the local unit of government or public authority.

Until the trust fund reaches an accumulated principal of \$200,000,000.00, the legislature may provide, in addition to the expenditure of interest and earnings authorized by this section, that a portion, not to exceed $33\frac{1}{3}$ percent, of the revenues from bonuses, rentals, delayed rentals, and royalties described in this section received by the trust fund during each state fiscal year may be expended during subsequent state fiscal years for the purposes of this section.

Not less than 25 percent of the total amounts made available for expenditure from the trust fund from any state fiscal year shall be expended for acquisition of land and rights in land and not more than 25 percent of the total amounts made available for expenditure from the trust fund from any state fiscal year shall be expended for development of public recreation facilities.

The legislature shall provide by law for the establishment of a trust fund board within the department of natural resources. The trust fund board shall recommend the projects to be funded. The board shall submit its recommendations to the governor who shall submit the board's recommendations to the legislature in an appropriations bill.

Sec. 36. There is hereby established the Michigan state parks endowment fund. The endowment fund shall consist of revenues as provided in section 35 of this article, and as provided by law. The endowment fund may also receive private contributions of money or other things of value. All money in the Genevieve Gillette state parks endowment fund shall be transferred to the endowment fund.

The accumulated principal of the endowment fund shall not exceed \$800,000,000.00, which amount shall be annually adjusted pursuant to the rate of inflation beginning when the endowment fund reaches \$800,000,000.00. This annually adjusted figure is the accumulated principal limit of the endowment fund.

Money available for expenditure from the endowment fund as provided in this section shall be expended for operations, maintenance, and capital improvements at Michigan state parks.

Money in the endowment fund shall be expended as follows:

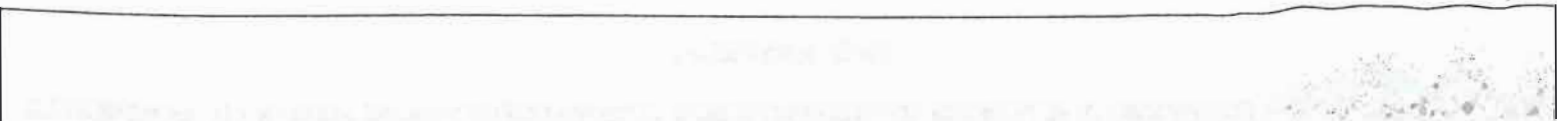
(1) Until the endowment fund reaches an accumulated principal of \$800,000,000.00, each state fiscal year the legislature may appropriate not more than \$5,000,000.00 of the money in the endowment fund as this \$5,000,000.00 amount is annually adjusted pursuant to the rate of inflation.

(2) Once the accumulated principal in the endowment fund reaches \$800,000,000.00, only the interest and earnings of the endowment fund in excess of the amount necessary to maintain the endowment fund's accumulated principal limit may be made available for expenditure.

Unexpended appropriations of the endowment fund from any state fiscal year as authorized by this section may be carried forward or may be appropriated as determined by the legislature for purposes of this section.

Sec. 37. The Michigan veterans' trust fund is established within the department of treasury. All money in the fund established by Act No. 9 of the Public Acts of the First Extra Session of 1946 shall be transferred to the Michigan veterans' trust fund. The trust fund may additionally receive appropriations, money, or other things of value. The state treasurer shall direct investment of the fund, and credit interest and earnings of the fund to the fund. Except for the state treasurer's actions authorized under this section, an expenditure or transfer of a trust fund asset, interest, or earnings may be made only upon the authorization of a majority of the members of the Michigan veterans' trust fund board of trustees.

The following is the official ballot wording:



PROPOSAL 02-2

A PROPOSAL TO ALLOW CERTAIN PERMANENT AND ENDOWMENT FUNDS TO BE INVESTED AS PROVIDED BY LAW AND INCREASE ALLOWED SPENDING FOR STATE PARKS, LOCAL PARKS AND OUTDOOR RECREATION

The proposed constitutional amendment would:

- Allow certain permanent and endowment funds, including Natural Resources Trust Fund, State Parks Endowment Fund and Veterans Trust Fund, to be invested as provided by law, eliminating prior restriction on investing in stocks.
- Increase Natural Resources Trust Fund cap on assets from \$400 million to \$500 million.
- Allow the Natural Resources Trust Fund to continue to annually expend up to 33-1/3% of Fund royalties or other revenues, up to a new asset cap of \$500 million.
- Increase allowed State Parks Endowment Fund spending to include interest and earnings and up to 50% of funds received from Natural Resources Trust Fund.

Should this proposal be adopted?

Yes ☐

No ☐

Michigan Department of State

NOTICE - STATE PROPOSAL

PROPOSAL 06-1

PROPOSED CONSTITUTIONAL AMENDMENT

A proposal to amend the State Constitution to require that money held in conservation and recreation funds can only be used for their intended purposes. (Proposal provided under House Joint Resolution Z of 2004 - adopted by the State Legislature and filed with the Secretary of State on December 20, 2004.)

The proposal would add new Sections 40, 41 and 42 to Article IX of the State Constitution to read as follows:

ARTICLE IX

Sec. 40. The Michigan conservation and recreation legacy fund is established. The state treasurer shall direct the investment of the legacy fund. The state treasurer shall establish within the legacy fund restricted accounts as authorized by this section and may establish additional subaccounts as authorized by law. The state treasurer may receive gifts, grants, bequests, or assets from any source for deposit into a particular account or subaccount. The assets of the legacy fund shall be invested as provided by law. Interest and earnings accruing from each account or subaccount shall be credited to that account or subaccount.

The forest recreation account is established as an account within the legacy fund. The forest recreation account shall consist of revenue derived from concessions, leases, contracts, and fees from recreational activities on state forestlands and other revenues as authorized by law. Money in the forest recreation account shall be expended only for the following:

- (a) The development, improvement, operation, promotion, and maintenance of forest recreation activities.
- (b) Grants to state colleges and universities to implement programs funded by the forest recreation account.
- (c) The administration of the forest recreation account.

The game and fish protection account is established as an account within the legacy fund. The game and fish protection account shall consist of revenue derived from hunting and fishing licenses, passbooks, permits, fees, concessions, leases, contracts, and activities; damages paid for the illegal taking of game and fish; revenue derived from fees, licenses, and permits related to game, game areas, and game fish; and other revenues as authorized by law. Money in the game and fish protection account shall be expended only for the following:

- (a) The development, improvement, operation, promotion, and maintenance of wildlife and fisheries programs and facilities. (356)
- (b) The acquisition of land and rights in land that support wildlife and fisheries programs.
- (c) Research to support wildlife and fisheries programs.
- (d) The enforcement and administration of the wildlife and fisheries laws of the state, including the necessary equipment and apparatus incident to the operation and enforcement of wildlife and fisheries laws.
- (e) The protection, propagation, distribution, and control of wildlife and fish.
- (f) Grants to state colleges and universities to implement programs funded by the game and fish protection account.
- (g) The administration of the game and fish protection account, which may include payments in lieu of taxes on state owned land that has been or will be purchased through the game and fish protection fund or account.

The off-road vehicle account is established as an account within the legacy fund. The off-road vehicle account shall consist of revenue derived from fees imposed upon the use or registration of off-road vehicles and other revenues as authorized by law. Money in the off-road vehicle account shall be expended only for the following:

- (a) Signage for and the improvement, maintenance, and construction of off-road vehicle trails, routes, or areas.
- (b) The administration and enforcement of state regulations related to off-road vehicles.
- (c) The leasing of land for use by off-road vehicles.
- (d) The acquisition of easements, permits, or other agreements for the use of land for off-road vehicle trails, routes, or areas.
- (e) The restoration of any of the natural resources of the state on public land that are damaged due to off-road vehicle use.
- (f) Safety education programs related to the operation of off-road vehicles.
- (g) Other uses as provided by law as long as the uses are consistent with the development, improvement, operation, promotion, and maintenance of the state's off-road vehicle programs.
- (h) Grants to state colleges and universities to implement programs funded by the off-road vehicle account.

Sec. 1
public co
preferenti
the opera

(2) T

t

e

(3) F

C

S

S

(4) T

f

(5) f

r

C

(6) -

r

C

(7) -

f

f

(8) -

(9) -

The follo

A PRC
THAT
GEND
OR C

The pr

•

•

A re
mourning
March

The

- account.
- (i) The administration of the off-road vehicle account.

The recreation improvement account is established as an account within the legacy fund. The recreation improvement account shall consist of all tax revenue derived from the sale of two percent of the gasoline sold in this state for consumption in internal combustion engines and other revenues as authorized by law. Money in the recreation improvement account shall be distributed as follows:

- (a) Eighty percent of the money shall be annually transferred to the waterways account to be used for the purposes of that account.
- (b) Fourteen percent of the money shall be annually transferred to the snowmobile account to be used for the purposes of that account.
- (c) The remainder of the money that is not transferred under this section shall be used, upon appropriation, for recreation projects, including grants to state colleges and universities to implement recreation projects, and for the administration of the recreation improvement account. Of the amount that is credited to recreational projects in a fiscal year, not less than twenty-five percent of any funds designated for projects intended for off-road vehicles shall be expended on projects to repair damages as a result of pollution, impairment, or destruction of air, water, or other natural resources, or the public trust, in air, water, or other natural resources, as a result of the use of off-road vehicles.

The snowmobile account is established as an account within the legacy fund. The snowmobile account shall consist of revenue derived from fees imposed for the registration or use of snowmobiles; revenue derived from the use of snowmobile trails; transfers from the recreation improvement account; and other revenues as authorized by law. Money in the snowmobile account shall be expended only for the following:

- (a) Planning, construction, maintenance, and acquisition of trails and areas for the use of snowmobiles.
- (b) Providing access to trails and areas for the use of snowmobiles.
- (c) Providing basic snowmobile facilities.
- (d) The administration and enforcement of state regulations related to snowmobiles.
- (e) Safety education programs related to the operation of snowmobiles.
- (f) Other uses as provided by law as long as the uses are consistent with the development, improvement, operation, promotion, and maintenance of the state's snowmobile programs.
- (g) Grants to state colleges and universities to implement programs funded by the snowmobile account.
- (h) The administration of the snowmobile account, which may include payments in lieu of taxes on state owned land that has been or will be purchased through the recreational snowmobile trail improvement fund or snowmobile account.

The state park improvement account is established as an account within the legacy fund. The state park improvement account shall consist of revenue derived from concessions, leases, contracts, fees, and permits for activities in state parks and recreation areas; damages paid to the state for illegal activities in state parks and recreation areas; and other revenues as authorized by law. Money in the state park improvement account shall be expended only for the following:

- (a) The development, improvement, operation, promotion, and maintenance of state parks and recreation areas.
- (b) Grants to state colleges and universities to implement programs funded by the state park improvement account.
- (c) The administration of the state park improvement account.

The waterways account is established as an account within the legacy fund. The waterways account shall consist of revenue derived from watercraft registration fees assessed on the ownership or operation of watercraft in the state; revenue derived from fees charged for the moorage of watercraft at state-operated mooring facilities; revenue derived from fees charged for the use of state-operated public access sites; transfers from the recreation improvement account; all tax revenue derived from the sale of diesel fuel in this state that is used to generate power for the operation or propulsion of vessels on the waterways of the state; and other revenues as authorized by law. Money in the waterways account shall be expended only for the following:

- (a) The construction, operation, and maintenance of recreational boating facilities that provide public access to waterways or moorage of watercraft.
- (b) The acquisition of property for the purpose of paragraph (a).
- (c) Grants to local units of government and state colleges and universities for the provision of public access or moorage of watercraft and law enforcement or boating education to recreational watercraft operators.
- (d) The acquisition and development of harbors and public access sites.
- (e) The enforcement of laws related to the operation of watercraft and education related to the operation of watercraft. Not less than forty-nine percent of revenues from watercraft registration fees received by the waterways account shall be used for the purposes of this subdivision.
- (f) The administration of programs funded by the waterways account.
- (g) Other uses as provided by law as long as the uses are consistent with the development, improvement, operation, promotion, and maintenance of the state's waterways programs.
- (h) The administration of the waterways account, which may include payments in lieu of taxes on state owned land that has been or will be purchased through the Michigan state waterways fund or waterways account.

The legislature shall provide by law for the implementation of this section.

Sec. 41. The Michigan game and fish protection trust fund is established. The Michigan game and fish

The
Public Ac
capital le

Sec.
species le
producer

(a) E
(b) E
(c) E
(d) E
(e) E
(f) C
(g) C
(h) C
(i) I
(j) I
(k) I
(l) I
(m)

(2)
(3)
(4)
(5) "
(6)
(7)
(8)

SEC
OPEN :
MOURN
LIMITEI

(2)
(3)

(4)

The fol

A RI
HUI
Pub

- (h) The administration of the waterways account, which may include payments in lieu of taxes on state owned land that has been or will be purchased through the Michigan state waterways fund or waterways account.

The legislature shall provide by law for the implementation of this section.

Sec. 41. The Michigan game and fish protection trust fund is established. The Michigan game and fish protection trust fund shall consist of revenue derived from bonuses, rentals, delayed rentals, royalties, and other revenues collected or reserved by the state under leases or direct sale contracts accruing from state owned lands acquired with money from state or federal game and fish protection funds or revenues accruing from lands purchased with such revenues. The Michigan game and fish protection trust fund may also receive gifts, grants, bequests, or assets from any source and may receive other revenues as authorized by law.

The assets of the Michigan game and fish protection trust fund shall be invested as provided by law. The interest and earnings from these investments shall be credited to the Michigan game and fish protection trust fund.

The accumulated interest and earnings of the Michigan game and fish protection trust fund and not more than \$6,000,000.00 of the principal of the Michigan game and fish protection trust fund may be expended in any year for the purposes of the game and fish protection account of the Michigan conservation and recreation legacy fund established in section 40.

The legislature shall provide by law for the implementation of this section.

Sec. 42. The Michigan nongame fish and wildlife trust fund is established. The Michigan nongame fish and wildlife trust fund shall consist of revenue designated by a member of the public for the benefit of nongame fish and wildlife.

The Michigan nongame fish and wildlife trust fund may also receive gifts, grants, bequests, or assets from any source and may receive other revenues as authorized by law.

The assets of the Michigan nongame fish and wildlife trust fund shall be invested as provided by law. The interest and earnings from these investments shall be credited to the Michigan nongame fish and wildlife trust fund.

The Michigan nongame fish and wildlife trust fund shall maintain a principal balance of not less than \$6,000,000.00.

The interest and earnings of the Michigan nongame fish and wildlife trust fund and other revenues not retained on a permanent basis shall be expended only for the following:

- The management of nongame fish and wildlife species consistent with a long-range plan for the management of Michigan's nongame fish and wildlife resources.
- Grants to state colleges and universities to implement programs funded by the Michigan nongame fish and wildlife trust fund.
- The administration of the Michigan nongame fish and wildlife trust fund.

The following is the official ballot wording:

PROPOSAL 06-1

A PROPOSED CONSTITUTIONAL AMENDMENT TO REQUIRE THAT MONEY HELD IN CONSERVATION AND RECREATION FUNDS CAN ONLY BE USED FOR THEIR INTENDED PURPOSES

The proposed constitutional amendment would:

- Create a Conservation and Recreation Legacy Fund within the Constitution and establish existing conservation and recreation accounts as components of the fund.
- Use current funding sources such as state park entrance and camping fees; snowmobile, ORV and boating registration fees; hunting and fishing license fees; taxes and other revenues to fund accounts.
- Establish the current Game and Fish Protection Fund and the Nongame Fish and Wildlife Fund within the Constitution.
- Provide that money held in Funds can only be used for specific purposes related to conservation and recreation and cannot be used for any purpose other than those intended.

Should this proposal be adopted?

Yes ☐

No ☐

Public

A pre
eminent
adopted

The

Sec.
made or
residence
not less t
Compens

"Pub
of econc
reasons
that add

In a
prepond
action in
authority
(146)

Any
by this s
constitut

Resc
general

Artic

Sec.
made or
of recor

The follo

A PR
PRIVA

The pr