

HOUSE JOINT RESOLUTION U

August 8, 2007, Introduced by Reps. Pearce, Agema, Rick Jones, Stahl, Meekhof, LaJoy, Nofs, Hildenbrand and Huizenga and referred to the Committee on Ethics and Elections.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II and sections 1 and 2 of article XII, to require that a ballot question proposing a constitutional amendment, initiation of legislation, or referendum of legislation be held at an odd year general election.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to require that a ballot question proposing a constitutional amendment, initiation of legislation, or referendum of legislation be held at an odd year general election, is proposed, agreed to, and submitted to the people of the state:

ARTICLE II

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next **ODD YEAR** general election.

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

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall

1 submit such proposed law to the people for approval or rejection at
2 the next **ODD YEAR** general election. The legislature may reject any
3 measure so proposed by initiative petition and propose a different
4 measure upon the same subject by a yea and nay vote upon separate
5 roll calls, and in such event both measures shall be submitted by
6 such state officer to the electors for approval or rejection at the
7 next **ODD YEAR** general election.

8 Any law submitted to the people by either initiative or
9 referendum petition and approved by a majority of the votes cast
10 thereon at any **ODD YEAR GENERAL** election shall take effect 10 days
11 after the date of the official declaration of the vote. No law
12 initiated or adopted by the people shall be subject to the veto
13 power of the governor, and no law adopted by the people at the
14 polls under the initiative provisions of this section shall be
15 amended or repealed, except by a vote of the electors unless
16 otherwise provided in the initiative measure or by three-fourths of
17 the members elected to and serving in each house of the
18 legislature. Laws approved by the people under the referendum
19 provision of this section may be amended by the legislature at any
20 subsequent session thereof. If two or more measures approved by the
21 electors at the same election conflict, that receiving the highest
22 affirmative vote shall prevail.

23 The legislature shall implement the provisions of this
24 section.

25 ARTICLE XII

26 Sec. 1. Amendments to this constitution may be proposed in the
27 senate or house of representatives. Proposed amendments agreed to

1 by two-thirds of the members elected to and serving in each house
2 on a vote with the names and vote of those voting entered in the
3 respective journals shall be submitted, not less than 60 days
4 thereafter, to the electors at the next **ODD YEAR** general election
5 or special election as the legislature shall direct. If a majority
6 of electors voting on a proposed amendment approve the same, it
7 shall become part of the constitution and shall abrogate or amend
8 existing provisions of the constitution at the end of 45 days after
9 the date of the election at which it was approved.

10 Sec. 2. Amendments may be proposed to this constitution by
11 petition of the registered electors of this state. Every petition
12 shall include the full text of the proposed amendment, and be
13 signed by registered electors of the state equal in number to at
14 least 10 percent of the total vote cast for all candidates for
15 governor at the last preceding general election at which a governor
16 was elected. Such petitions shall be filed with the person
17 authorized by law to receive the same at least 120 days before the
18 **ODD YEAR GENERAL** election at which the proposed amendment is to be
19 voted upon. Any such petition shall be in the form, and shall be
20 signed and circulated in such manner, as prescribed by law. The
21 person authorized by law to receive such petition shall upon its
22 receipt determine, as provided by law, the validity and sufficiency
23 of the signatures on the petition, and make an official
24 announcement thereof at least 60 days prior to the **ODD YEAR GENERAL**
25 election at which the proposed amendment is to be voted upon.

26 Any amendment proposed by such petition shall be submitted,
27 not less than 120 days after it was filed, to the electors at the

1 next **ODD YEAR** general election. Such proposed amendment, existing
2 provisions of the constitution which would be altered or abrogated
3 thereby, and the question as it shall appear on the ballot shall be
4 published in full as provided by law. Copies of such publication
5 shall be posted in each polling place and furnished to news media
6 as provided by law.

7 The ballot to be used in such election shall contain a
8 statement of the purpose of the proposed amendment, expressed in
9 not more than 100 words, exclusive of caption. Such statement of
10 purpose and caption shall be prepared by the person authorized by
11 law, and shall consist of a true and impartial statement of the
12 purpose of the amendment in such language as shall create no
13 prejudice for or against the proposed amendment.

14 If the proposed amendment is approved by a majority of the
15 electors voting on the question, it shall become part of the
16 constitution, and shall abrogate or amend existing provisions of
17 the constitution at the end of 45 days after the date of the **ODD**
18 **YEAR GENERAL** election at which it was approved. If two or more
19 amendments approved by the electors at the same election conflict,
20 that amendment receiving the highest affirmative vote shall
21 prevail.

22 Resolved further, That the foregoing amendment shall be
23 submitted to the people of the state at the next general election
24 in the manner provided by law.