

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

Constitutional amendment to: require members of legislature, governor, lieutenant governor, secretary of state, and attorney general to file annual public financial disclosure and transaction reports after 2023; require legislature to enact laws with disclosure rules at least as stringent as those required for members of Congress under federal law; replace current term limits for state representative and state senator with a 12-year total limit in any combination between the House and Senate, with exception that someone elected to Senate in 2022 can be elected the number of times allowed when the person became a candidate.

Full text of the proposal to amend sections 10 and 54 of article IV of the constitution (language to be added in capital letters, deleted struck with a line):

ARTICLE IV LEGISLATIVE BRANCH

§ 10 Legislators and state officers, government contracts, conflict of interest.

Sec. 10. (1) No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest.

(2) AFTER DECEMBER 31, 2023, A MEMBER OF THE LEGISLATURE, THE GOVERNOR, THE LIEUTENANT GOVERNOR, THE SECRETARY OF STATE, AND THE ATTORNEY GENERAL SHALL ELECTRONICALLY FILE AN ANNUAL FINANCIAL DISCLOSURE REPORT AND PERIODIC FINANCIAL TRANSACTION REPORTS WITH THE DEPARTMENT OF STATE CONSISTENT WITH THE REQUIREMENTS OF SUBSECTIONS (2) TO (4), WITH THE REPORTS DISCLOSING INFORMATION REGARDING THE FOLLOWING:

- (A) ASSETS AND UNEARNED INCOME.
- (B) PURCHASES, SALES, OR EXCHANGES OF A SECURITY OR REAL PROPERTY.
- (C) EARNED INCOME.
- (D) LIABILITIES.

(E) POSITIONS HELD AS AN OFFICER, DIRECTOR, TRUSTEE OF AN ORGANIZATION, PARTNER, PROPRIETOR, REPRESENTATIVE, EMPLOYEE, OR CONSULTANT OF ANY CORPORATION, FIRM, PARTNERSHIP, OR OTHER BUSINESS ENTERPRISE, NONPROFIT ORGANIZATION, LABOR ORGANIZATION, OR EDUCATIONAL OR OTHER INSTITUTION OTHER THAN THE STATE OF MICHIGAN, EXCLUDING POSITIONS HELD IN ANY RELIGIOUS, SOCIAL, FRATERNAL, OR POLITICAL ENTITIES AND POSITIONS SOLELY OF AN HONORARY NATURE.

(F) AGREEMENTS OR ARRANGEMENTS WITH RESPECT TO FUTURE EMPLOYMENT, A LEAVE OF ABSENCE WHILE SERVING AS A STATE OFFICER, CONTINUATION OR DEFERRAL OF PAYMENTS BY A FORMER OR CURRENT EMPLOYER OTHER THAN THE STATE OF MICHIGAN OR CONTINUING PARTICIPATION IN AN EMPLOYEE WELFARE OR BENEFIT PLAN MAINTAINED BY A FORMER EMPLOYER.

(G) GIFTS, AS DEFINED IN SECTION 4 OF 1978 PA 472, MCL 4.414.

(H) TRAVEL PAYMENTS AND REIMBURSEMENTS.

(I) PAYMENTS MADE BY OTHERS TO A CHARITY IN LIEU OF HONORARIA.

(3) REPORTS UNDER SUBSECTION (2) MUST BE FILED IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF STATE, WHICH SHALL MAKE THE REPORTS AVAILABLE TO THE PUBLIC ONLINE.

(4) The legislature shall further implement this ~~provision~~ SECTION by appropriate legislation. LEGISLATION IMPLEMENTING SUBSECTION (2) AND (3) MUST NOT LIMIT OR RESTRICT THE APPLICATION OF SUBSECTIONS (2) AND (3) AND MUST BE NO LESS STRINGENT THAN THE REQUIREMENTS APPLICABLE TO ANNUAL FINANCIAL DISCLOSURE AND PERIODIC FINANCIAL TRANSACTION REPORTS BY MEMBERS OF CONGRESS UNDER TITLE I OF THE FEDERAL ETHICS IN GOVERNMENT ACT OF 1978, AS AMENDED, 5 USC APP 101 TO 111.

(5) IF LEGISLATION IMPLEMENTING SUBSECTIONS (2) AND (3) IS NOT ENACTED BY DECEMBER 31, 2023, A RESIDENT OF THIS STATE MAY INITIATE A LEGAL ACTION AGAINST THE LEGISLATURE AND THE GOVERNOR IN THE MICHIGAN SUPREME COURT TO ENFORCE THE REQUIREMENTS OF SUBSECTIONS (2) TO (4).

§ 54 Limitations on terms of office of state legislators.

Sec. 54. (1) ~~No~~ A person shall ~~MAY NOT~~ be elected to the office of state representative ~~more than three times. No person shall be elected to the office of state senate more than two times.~~ OR STATE SENATOR FOR TERMS OR PARTIAL TERMS THAT COMBINED TOTAL MORE THAN 12 YEARS. HOWEVER, THIS LIMITATION DOES NOT PROHIBIT A PERSON ELECTED TO THE OFFICE OF STATE SENATOR IN 2022 FROM BEING ELECTED TO THAT OFFICE THE NUMBER OF TIMES PERMITTED AT THE TIME THE PERSON BECAME A CANDIDATE FOR THAT OFFICE. ~~Any person appointed or elected to fill a vacancy in the house of representatives or the state senate for a period greater than one half of a term of such office shall be considered to have been elected to serve one time in that office for purposes of this section. This limitation on the number of times a person shall be elected to office shall apply to terms of office beginning on or after January 1, 1993.~~

(2) This section shall be self-executing. Legislation may be enacted to facilitate operation of this section, but ~~no~~ A law shall ~~MUST NOT~~ limit or restrict the application of this section. ~~If any part of this section is held to be invalid or unconstitutional, the remaining parts of this section shall not be affected but will remain in full force and effect.~~

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

ARTICLE IV LEGISLATIVE BRANCH

§ 10 Legislators and state officers, government contracts, conflict of interest.

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

§ 54 Limitations on terms of office of state legislators.

Sec. 54. No person shall be elected to the office of state representative more than three times. No person shall be elected to the office of state senate more than two times. Any person appointed or elected to fill a vacancy in the house of representatives or the state senate for a period greater than one half of a term of such office, shall be considered to have been elected to serve one time in that office for purposes of this section. This limitation on the number of times a person shall be elected to office shall apply to terms of office beginning on or after January 1, 1993.

This section shall be self-executing. Legislation may be enacted to facilitate operation of this section, but no law shall limit or restrict the application of this section. If any part of this section is held to be invalid or unconstitutional, the remaining parts of this section shall not be affected but will remain in full force and effect.

