

MICHIGAN VOTERS BILL OF RIGHTS

Article 1, Section 1 of the Michigan Constitution says "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection".

To insure this inherent political power is instituted for our equal benefit, we, the People of the State of Michigan, call for a Voters Bill of Rights, to be enacted by legislation, ballot initiative, or amendment to our State Constitution to affirm and secure these rights:

SIMPLE VERSION - details follow after section on "Why V.B.R. is needed"

1. Election laws and regulations shall be identical for all parties.
2. The requirement to qualify for statewide ballot access shall not exceed 5,000 valid petition signatures.
3. Public funding of primaries shall be eliminated.
4. No candidate shall be prohibited from participating in any public debate.
5. Instant Runoff Voting shall be instituted statewide.
6. Rotating ballot position shall be instituted statewide.
7. The ability to vote without producing a picture ID shall not be denied.
8. Same-day voter registration shall be available in every precinct.
9. Absentee voting by choice shall be instituted statewide.
10. Voting machines with verifiable hard-copy ballots shall be required.
11. Judicial candidates shall be nominated by petition and not by partisan caucus or primary election.
12. Candidates qualified as independents have the right to list their party affiliation on the ballot.
13. Congressional districts shall be drawn along municipal boundaries by a nonpartisan commission.
14. Delegates for a Michigan Constitutional Convention shall be selected in a nonpartisan election.
15. The enumeration of these rights shall not be construed to deny or disparage others retained by the people to ensure fair, equal, open and honest elections.

APPROVED BY: Green Party of Michigan, (Ken Mathenia, chair), Libertarian Party of Michigan (Bill Hall, chair), Reform Party of Michigan (Matt Crehan, chair), Socialist Party of Michigan (Matt Erard, chair), and the U.S. Taxpayers Party of Michigan (Jerry Van Sickle, chair).

WHY A VOTERS BILL OF RIGHTS IS NEEDED

Current electoral law in Michigan effectively limits political power to two parties. It says a major political party is "Each of the two political parties whose candidate for the office of secretary of state received the highest and second highest number of votes ..." (Act 116 of 1954, Sec. 16).

Election laws regulate how these two parties shall participate in taxpayer-funded primaries to choose their candidates, while rules for all other parties do not include this government-subsidized selection process.

This monetary benefit to the political power of only two parties constitutes Government enforced discrimination against those who are independent or members of other parties. The public is then spoon-fed pabulum from these two parties for six months while the media covers the primary as if they are the only ones on the ballot in November. When only two parties are invited to a debate and a third party candidate is arrested for trying to participate, our electoral process is broken. The right to free speech should be protected, not violated.

These obstacles are almost impossible to overcome. Add gerrymandering and the ability of the duopoly in power to write new laws whenever threatened, and their stranglehold on power becomes lethal.

Nonpartisan races show voters will elect people other than Republicans or Democrats, as they have by electing numerous independents and five Libertarian city council members in recent years, including two Mayors-pro-tem (Owosso and Hazel Park).

Beyond local elections however, the burden of complying with complicated campaign finance laws and raising enormous sums of money is extremely difficult unless you are wealthy or have developed, over decades, a well-oiled party machine that knows all the loopholes in the laws.

Democrats and Republicans should not have a stranglehold on power -- their existence is not written into the constitution. However, it has been written into Michigan election law by those two parties to effectively suppress any challengers.

Although some scholars consider these laws unconstitutional, the increasingly politicized courts have blithely enabled and condoned them.

Since the two parties in power are not inclined to voluntarily cede their control of the process, and court challenges to these biased laws are likely doomed to failure, a ballot initiative may be needed to change the Michigan Constitution.

The other alternative is to reexamine the entire document at a Constitutional Convention, scheduled for the ballot in 2010. If that is the eventual scenario, it is imperative that #11 be enacted prior to delegate selection (nonpartisan election of Constitutional Convention delegates). Then, independents and alternate party members are more easily promoted and elected as delegates to the convention. Otherwise the Constitutional Convention will be a free ticket for the two parties in power to continue writing the rules in their favor.

Ballot language version (DRAFT):

1. Election laws and regulations shall be identical for all parties and those without party affiliation. Legal distinctions between “major” and “minor” parties shall be eliminated.
2. The requirement to qualify a political party for statewide ballot access shall not exceed 5,000 valid petition signatures of registered voters gathered within 180 days.
3. Public funding of primaries shall be eliminated. Each party has the responsibility and shall bear the cost of selecting its own candidates.
4. No candidate shall be prohibited from participating in any publicly funded debate. All candidates who will appear on the ballot shall be invited to participate in any debate which is either publicly funded, on public property, or transmitted over broadcast media.
5. Instant Runoff Voting shall be instituted statewide, allowing for preferential ranking of candidates. If no candidate receives 50% of the vote total, the candidate with the fewest votes is eliminated until one candidate achieves a majority.
6. Rotating ballot position shall be instituted statewide to insure equal access to the top of the ticket position.
7. The ability to vote without producing a picture ID shall not be denied
8. Same-day voter registration shall be available in every precinct.
9. Absentee voting by choice shall be instituted statewide.
10. Voting machines with verifiable hard-copy ballots shall be required.
11. Judicial candidates shall be nominated by petition and not by partisan caucus or primary election. The number of signatures of valid registered voters required shall be equal to 1% of those who cast votes in the previous election cycle for the position sought, and must be gathered within 180 days.
12. Candidates qualified as independents have the right to list their party affiliation on the ballot.
13. Congressional districts shall be drawn along county lines, other than counties which include more than one district, in which case they shall be along natural Village, Township, or City lines. A nonpartisan commission appointed by, and under the supervision of, the judiciary shall determine the boundaries according to population figures without regard to any perceived party preference of voters.
14. Delegates for a Michigan Constitutional Convention shall be selected in a nonpartisan election.
15. The enumeration of these rights shall not be construed to deny or disparage others retained by the people to ensure fair, equal, open and honest elections.

FOR FURTHER CONSIDERATION (OR BLOCKED BY 1 OR MORE PARTIES)

- A. Election finance law shall be simplified, with no reporting required for donations up to \$1000. All donations over \$1000 shall be reported, with no maximum limit for non-federal candidates. No corporate contributions to individual candidates shall be permitted. **BLOCKED BY: GREEN, SOCIALIST**
- B. Elections shall be held only twice each year. The second Tuesday of November and the second Tuesday of May. **BLOCKED BY: REFORM, SOCIALIST**
- C. Sitting judges shall run in retention elections and must receive majority approval to remain in office. **BLOCKED BY: LIBERTARIAN**
- D. The Board of State Canvassers shall be nonpartisan.
- E. The Board of State Canvassers shall be eliminated.
- F. Election day shall be declared a State holiday.
- G. Electoral College votes shall be determined by proportional representation of the popular vote and not “winner-take-all”. The United States Congress shall be encouraged to adopt nationwide Electoral College and ballot access laws for federal candidates. Examples: Maine, Nebraska.
- H. Term limits shall be extended or eliminated.
- I. **SIMPLE:** The legislature, averaging 90 days in session per year, shall be considered part-time and compensated accordingly, as approved by voters. **DETAIL:** The legislature shall be limited to 90 days in session per year, unless called to a special session as provided for in the state constitution. Compensation and benefits of officeholders shall be comparable to that of the private sector for a part-time office position working 1000 hours per year. Compensation packages shall be negotiated with the executive branch office of management and budget and approved by voters every 4 years. **BLOCKED BY GREEN, SOCIALIST**