

# INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

An initiative to amend the state constitution by establishing the act of BETRAYING YOUR OATH OF OFFICE and establishing a PEOPLE'S GRAND JURY free of state control. This initiative shall be known and cited as The People's Initiative to Hold Government Accountable, and creates within the Michigan Constitution Article 13, THE PEOPLE'S GRAND JURY, Sections 1 – 14. This proposal is to be voted on at the general election November 8, 2016. **THE FULL TEXT OF THE AMENDMENT TO BE INITIATED APPEARS ON THE REVERSE SIDE OF THIS PETITION.**

We, the undersigned qualified and registered electors, residents in the county of \_\_\_\_\_, State of Michigan, respectively petition for amendment to the constitution.

**WARNING: A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.**

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	1.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	2.						
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CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	12.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	13.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	14.						

### CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

**WARNING – A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.**

### CIRCULATOR – Do not sign or date certificate until after circulating petition.

\_\_\_\_\_  
(Signature of Circulator) \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name of Circulator)

\_\_\_\_\_  
(Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box])

\_\_\_\_\_  
(City or Township, State, Zip Code)

\_\_\_\_\_  
(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)

# INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

An initiative to amend the state constitution by establishing the act of BETRAYING YOUR OATH OF OFFICE and establishing a PEOPLE'S GRAND JURY free of state control. This initiative shall be known and cited as The People's Initiative to Hold Government Accountable, and creates within the Michigan Constitution Article 13, THE PEOPLE'S GRAND JURY, Sections 1 – 14.

## Article 13: THE PEOPLE'S GRAND JURY

### Article 13 Section 1: DEFINITIONS APPLICABLE TO SECTIONS 1 TO 14 OF ARTICLE 13:

- (a) Public Servant: Any individual elected, appointed, or employed by government with the authority to enact or enforce public policy on behalf of the People;
- (b) Complainant: A victim of a Public Servant's betrayal of their Oath of Office as defined herein.

Article 13 Section 2: PRIMARY DUTY OF PUBLIC SERVANTS AND THE REQUIREMENT FOR OATH OF OFFICE: The Declaration of Independence affirms that the primary duty of those in government is to secure the unalienable Rights of the People. To acknowledge and confirm this obligation Public Servants within the state of Michigan are required to take the Oath of Office as stated in Article 11, Section 1, in the Michigan Constitution and as required by Article 6 in the U.S. Constitution.

Article 13 Section 3: BETRAYING YOUR OATH OF OFFICE: The act of Betraying Your Oath of Office is defined as each instance in which a Public Servant betrays the required Oath of Office to support provisions in the U.S. or Michigan Constitutions by failing to abide by and enforce the limitations on usurpation of power by government and failing to secure the People's God-given unalienable rights protected by both Constitutions.

### Article 13 Section 4: ESTABLISHMENT OF THE PEOPLE'S GRAND JURY:

- (a) The People's Grand Jury will evaluate actions of Public Servants, as specified herein, free of oversight or control by any Public Servant;
- (b) The People's Grand Jury will be organized by county and consist of 26 randomly selected jurors, and 13 alternates;
- (c) The People's Grand Jury will select six of its jurors to act as a board, with one chosen as the foreman, to coordinate its operations as specified herein;
- (d) The People's Grand Jury will be convened for no longer than one year, from the date convened through the following January 31<sup>st</sup>;
- (e) To qualify to serve on the People's Grand Jury one must have attained 18 years of age; be a Citizen of the state of Michigan; reside in the designated county; not be incarcerated in jail, prison, or a psychiatric facility; and not be a Public Servant.

### Article 13 Section 5: RANDOM, UNBIASED, SELECTION OF THE PEOPLE'S GRAND JURORS:

- (a) The board of the convened People's Grand Jury will coordinate the selection process and convene the subsequent People's Grand Jury;
- (b) In the absence of an established board, a temporary board may be elected at a Public Organization Meeting, scheduled for the 3<sup>rd</sup> Monday in January after passage of this initiative, or when demanded by the People thereafter, to coordinate the selection of the initial People's Grand Jury. Once selected, the temporary board will be dissolved and the jurors will establish their board as referenced in Section 4 (c) of this Article;
- (c) The county will, to the best of its ability, produce a list of all Citizens within their jurisdiction meeting the qualifications to serve on the People's Grand Jury as specified in Section 4 (e) of this Article;
- (d) The board will correct as necessary the supplied list, randomly sort, and then assign a consecutive number to each Citizen included therein;
- (e) The board will choose a random-number, between 100 and 1,000, to be used to incrementally select Citizens as potential jurors from the sorted list. The Citizens that have their assigned consecutive number match the incrementally computed counter will be selected as potential jurors. Upon reaching the list end, the list will be appended to itself creating a continuous list of Citizens. If a duplicate Citizen is selected, the incrementally computed counter will be increased by 1 and the process will continue. The order in which the potential jurors are chosen is referred to as the order of original selection;
- (f) The board will select as many potential jurors as it considers necessary to populate the subsequent People's Grand Jury;
- (g) Notification will be sent to the potential jurors asking to verify their desire and eligibility, and then respond back to the board by a specified return date;
- (h) From responses received by the return date, jurors will be selected based on the order of original selection, as defined within Section 5 (e) of this Article, not on the order the responses were received. The first 26 will be chosen as People's Grand Jurors with the following 13 being chosen as alternates.

### Article 13 Section 6: POWER TO INDICT:

- (a) The People's Grand Jury shall have sole power to indict Public Servants charged with the act of Betraying Your Oath of Office. All such cases must be initiated by Complainants subject to the direct representation or jurisdiction of the charged Public Servant;
- (b) Complainants must submit their case before the People's Grand Jury convened within their county of residence. If a People's Grand Jury has not been convened within their county, the Complainant may submit their case within another county of their choosing which is under the direct representation or jurisdiction of the charged Public Servant. The county board will forward to the relevant Multiple County Jurisdiction cases pertaining to more than one county as defined in Section 8 of this Article.

### Article 13 Section 7: OPERATION OF THE PEOPLE'S GRAND JURY:

- (a) The People's Grand Jury shall meet as often as necessary to handle the caseload. All jurors and alternates must be informed of the proceedings. If a juror is unable to attend, an alternate should be selected to serve in their stead;
- (b) A quorum of 13 jurors is required to proceed;
- (c) The decisions of the People's Grand Jury must be based solely on the provisions in the U.S. and Michigan Constitutions;
- (d) Both the Complainant and Public Servant shall be able to argue their cases before the People's Grand Jury. Either may request that the People's Grand Jury issue a subpoena on their behalf;
- (e) An indictment by the People's Grand Jury occurs when the majority decides that there is probable cause to believe that the Public Servant has committed the act of Betraying Your Oath of Office. As required by the fifth, sixth, and seventh Amendments to the U.S. Constitution, the case will then be forwarded to circuit court for a trial before a jury of the People;
- (f) The People's Grand Jury has authority to grant the Complainant the legal standing required to proceed with their case in court;
- (g) The board will record the proceedings of the People's Grand Jury sessions and file them with the county recorder of records.

### Article 13 Section 8: MULTIPLE COUNTY JURISDICTION:

- (a) Cases affecting multiple counties are considered Multiple County Jurisdiction. Each county will participate in People's Grand Juries pertaining to four Multiple County Jurisdictional districts including a state house of representatives, state senate, federal house of representatives, and entire state;
- (b) Each county board will select its People's Grand Jurors, or alternates, to participate in the four Multiple County Jurisdictions immediately after convening the county People's Grand Jury. Multiple County Jurisdictional juror service should be allocated to the county's jurors evenly, randomly, and without bias;
- (c) The number of jurors from each county to serve on each district's Multiple County Jurisdiction People's Grand Jury will be computed as follows:
  - (1) Counties in which a People's Grand Jury has been convened will be considered for participation in Multiple County Jurisdictional People's Grand Juries and will be referred to as qualified counties.
  - (2) The county percent will be computed by dividing the population of the county by the total population of all qualified counties within the district.
  - (3) The number of jurors selected from each county is computed by multiplying the county percent by 26, and then rounding up to the next whole number;
- (d) All the requirements and responsibilities pertaining to the county People's Grand Jury apply to each Multiple County Jurisdiction People's Grand Jury.

### Article 13 Section 9: TRIAL BY JURY PERTAINING TO CASES INDICTED BY THE PEOPLE'S GRAND JURY:

- (a) Cases indicted by the People's Grand Jury will be filed with the circuit court servicing the county of the Complainant;
- (b) The case must be added to the court's docket and scheduled for a speedy and public trial by jury;
- (c) All trials arising from provisions within this Article must be tried before 12 jurors and a decision shall be received when 10 of the jurors agree;
- (d) The Complainant and Public Servant will each secure and pay for their own counsel without using taxpayer provided funding;
- (e) Limiting the interpretation of either the U.S. or Michigan Constitutions, or the interpretation of law or fact, by either the Complainant or Public Servant is expressly prohibited, and the court is bound to honor and enforce all the protections and requirements within the U.S. Constitution.

Article 13 Section 10: APPEALS ARISING FROM CASES UNDER THIS ARTICLE: A Public Servant found guilty of Betraying Your Oath of Office shall have 30 days within which to file a Notice of Appeal with the People's Grand Jury, which shall hear all appeals arising from cases under this Article. If the People's Grand Jury determines that error was committed at the trial and that a new trial is warranted, then the new trial shall be scheduled in circuit court in accordance with the provisions of Section 9 of this Article. Any retrial under this Section shall be final and binding and not subject to further appeal.

Article 13 Section 11: CONSEQUENCES OF COMMITTING THE ACT OF BETRAYING YOUR OATH OF OFFICE: The consequence for Public Servants found guilty of Betraying Your Oath of Office will be removal from office, prohibition from holding future public office in Michigan, reimbursement to the Complainant for court costs and attorney fees, and the forfeiture all publicly funded pensions. If appealed, the Public Servant must not resume duties until the decision becomes final. Public Servants may be liable and subject to Indictment, Trial, Judgment and Punishment, for other crimes according to law.

Article 13 Section 12: AUTHORITY TO ENFORCE PROVISIONS WITHIN THIS ARTICLE: All people associated with a case brought before the People's Grand Jury must abide by the terms within this Article. When disputes arise pertaining to adherence to its terms, the specific deficiencies may be presented by the aggrieved party to the People's Grand Jury for review, and if found valid by the majority, the People's Grand Jury has the authority to charge the offending individual with Contempt of Court. The county sheriff will be directed, and is then obligated, to incarcerate the offending individual in the county jail until the deficiency is rectified.

### Article 13 Section 13: COUNTY RESPONSIBILITIES:

- (a) Provide a meeting room for the People's Grand Jury;
- (b) Assign an address, accept mail delivery, and securely hold mail addressed to the People's Grand Jury;
- (c) Maintain a record of all mail received and addressed to the People's Grand Jury by date received and return name and address of sender;
- (d) Serve and enforce subpoenas requested by the People's Grand Jury;
- (e) Post public notice of the initial Public Organization Meeting;
- (f) Provide, as requested by the board, the means for selecting and notifying potential jurors for service on the People's Grand Jury;
- (g) Pay costs required to implement provisions within this Article including the payment of a jury service reimbursement consistent with county law;
- (h) Physically maintain and safeguard all filings and evidence;
- (i) Require the sheriff to incarcerate individuals charged with of Contempt of Court in the county jail until rectified.

Article 13 Section 14: PROHIBITION AGAINST CHANGING PROVISIONS OF THIS ARTICLE BY PUBLIC SERVANTS: Neither the Supreme Court, Legislature, or other Public Servants can make laws, rules, or regulations negating provisions of this Article.