

Court of Appeals, State of Michigan

ORDER

CITIZENS PROTECTING MICHIGAN'S
CONSTITUTION, LOWELL R. ULRICH,
MICHAEL BISHOP, ALAN L. CROUSEY,
VIRGIL SMITH, JR., and MIKE BRYANTON,

Plaintiffs,

v

SECRETARY OF STATE and BOARD OF
STATE CANVASSERS,

Defendants,

Bill Schuette
Presiding Judge

William C. Whitbeck

Patrick M. Meter
Judges

No. 286734

and

REFORM MICHIGAN GOVERNMENT NOW!,

Intervening-Defendant,

and

ATTORNEY GENERAL,

Amicus Curiae.

The Court orders that the relief sought in the complaint for a writ of mandamus is GRANTED. *Michigan United Conservation Clubs v Secretary of State (After Remand)*, 464 Mich 359, 365-366; 630 NW2d 297 (2001). Reform Michigan Government Now! has submitted its proposal under the initiative petition procedure that Const 1963, art 12, § 2, establishes for amending the Constitution. However, the proposal is a "general revision" of the Constitution that only Const 1963, art 12, § 3, can accomplish. Therefore, the constitutional power of initiative does not extend to the proposal. Consequently, the RMGN initiative petition does not meet the constitutional prerequisites for acceptance. As a result, the Secretary and the Board are ORDERED and DIRECTED to stop the canvas, to reject the RMGN initiative petition, and not to allow the proposal to be placed on the ballot. *Leininger v Secretary of State*, 316 Mich 644; 26 NW2d 348 (1947); *City of Jackson v Commissioner of Revenue*, 316 Mich 694, 711; 26 NW2d 569 (1947), citing *Leininger, supra*; see *MUCC, supra*. See also MCR 7.216(A)(7).

The motion for stay is DENIED.

This order shall be effective immediately.

We retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 20 2008

Date

Sandra Schultz Mengel

Chief Clerk