

# INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

An initiative to amend the Michigan Constitution by adding Article 13 Sections 1-6 which establishes the offence of BETRAYING YOUR OATH OF OFFICE, establishes a PEOPLE'S GRAND JURY to evaluate charges of this offence against Public Servants, and upon probable cause to indict for trial before a jury. This initiative shall be known and cited as The People's Initiative to Hold Government Accountable.

ADD Article 13: ACCOUNTABILITY OF PUBLIC SERVANTS TO THE CONSTITUTION

Section 1: DEFINITIONS APPLICABLE TO SECTIONS 1 TO 6 OF ARTICLE 13:

- (a) Public Servant: All members of the legislature, other public officers, employees of the state, and persons in the service of the state or any governmental agency required to swear to Michigan's Oath of Office as defined within MCL 15.151, with 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.

Section 2: BETRAYING YOUR OATH OF OFFICE:

(a) The offence of Betraying Your Oath of Office is defined as each instance when a Public Servant betrays their oath to support the U.S. and Michigan constitutions as required by Article 6 Paragraph 3 of the U.S. constitution and Article 11 Section 1 of the Michigan constitution. Those charged with this offence will be held personally liable and have no immunity from prosecution.

(b) An indicted Public Servant found guilty in court by a jury under this Article shall be: 1) removed from office, 2) disqualified from holding public office in Michigan, 3) subject to reimbursement of the Complainant's court costs and reasonable attorney fees not to exceed the cost of defense, and 4) subject to MCL 38.2703 regarding forfeiture of retirement rights. 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 additional crimes according to law.

(c) An indicted Public Servant found not guilty in court by a jury under this Article must be reimbursed by the Complainant for court costs and reasonable attorney fees not to exceed the Complainant's cost of prosecution.

Section 3: THE PEOPLE'S GRAND JURY: The People's Grand Jury shall have sole authority to evaluate charges against Public Servants charged with the offence of Betraying Your Oath of Office. The authority for operation of the People's Grand Jury belongs to the people themselves and is not subject to influence or control by the county or any branch of government.

(a) ORGANIZATION:

1: The People's Grand Jury will be organized by county and consist of up to 26 randomly selected jurors. It will be convened for no longer than one year and shall serve from the date convened through the following January 31<sup>st</sup>:

2: 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 county; not be incarcerated in jail, prison, or a psychiatric facility; and not be a Public Servant as mandated by Michigan's constitution Article 4 Section 10;

3: Once convened, the People's Grand Jurors will select six of its jurors to act as a Board, with one chosen as the foreman, to coordinate its operations as specified herein;

4: The Board of the convened People's Grand Jury will select and convene the subsequent People's Grand Jury as described herein.

5: In the absence of a convened People's Grand Jury the people may initiate a public meeting allowing those attending to select a temporary Board to coordinate the selection of the initial county People's Grand Jury according to the provisions within this Article. Once selected, the temporary Board will be dissolved, and the jurors will establish their Board as referenced in Section 3 (a) 3 of this Article. The county must post public notice of this meeting and provide access to a meeting room;

6: The county will provide each People's Grand Juror with a copy of the United States and Michigan Constitutions for reference when evaluating charges against Public Servants.

7: People's Grand Jurors are required to take the Oath of Office specified in Article 11 Section 1 in the Michigan Constitution.

(b) RANDOM SELECTION OF THE PEOPLE'S GRAND JURORS:

1: The county will, upon the Board's request, select and notify individuals to serve as potential jurors as described herein:

(i) The Board will forward to the county the number of individuals to be contacted as potential jurors.

(ii) To the best of its ability the county will produce a list of individuals within the county meeting the qualifications to serve on the People's Grand Jury as specified in Section 3 (a) 2 of this Article. The individuals on the list will be sorted by street address then full name, and then assigned a consecutive order number.

(iii) An increment will be computed by multiplying the total number of individuals contained on the list, by 3 percent (.03). Each individual having their order number match a computed counter, starting from one then increased by the increment, will be selected as potential jurors. Upon reaching the list end, the counter will be re-set to the excess of the computed counter over the list total. If a duplicate order number is selected, the computed counter will be increased by 1 (one), and the process will continue until as many individuals are selected as requested by the Board. The sequence in which the potential jurors are selected is referred to as the selection order;

(iv) The sorted list, assigned order numbers, and assigned selection order will be forwarded to the Board for review, verification, and approval;

2: After the selection of jurors is verified as accurate and approved by the Board, the county will send a Board-generated notification to the potential jurors requesting they verify their eligibility and desire to serve as a People's Grand Juror, and to respond back to the Board by a specified return date.

3: From responses received by the return date, the Board will select jurors based on the selection order, not on the order in which the responses were received. The first 26 will be chosen as People's Grand Jurors. If the Board is unable to secure all 26 positions a People's Grand Jury may be convened with as few as 13 jurors.

4: If the Board is unable to convene a subsequent People's Grand Jury before their term end, the existing Board is dissolved and Section 3 (a) 5 applies.

(c) FILING REQUIREMENTS:

1: Complainants filing charges of Betraying Your Oath of Office against a Public Servant must have been demonstrably damaged by and subject to the direct representation or authority of the charged Public Servant. They 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 to a convened People's Grand Jury in another county of their choosing which is under the direct representation or jurisdiction of the charged Public Servant.

2: The county in which the charges are filed will collect a filing fee of \$100 adjusted annually by the federal Consumer Price Index.

3: Cases filed which pertain to more than one county will be forward to the Board foreman of the relevant Multiple County Jurisdiction Grand Jury.

(d) OPERATIONAL REQUIREMENTS:

1: The county will provide a meeting room and mailing address for use by the People's Grand Jury, accept mail delivery, and securely hold mail addressed to the People's Grand Jury;

2: The People's Grand Jury shall schedule sessions as necessary to handle its caseload. All jurors must be informed of the proceedings.

3: A quorum of 13 jurors from the county, or 50% of the jurors assigned to a Multiple County Jurisdictional district, shall be required to proceed;

4: The decisions of the People's Grand Jury must be based solely on the provisions in the Michigan and U.S. Constitutions. Article 6 paragraph 2 of the United States Constitution reinforces that laws, rules, regulations, or opinions created without constitutional authority are not the supreme law of the land; are therefore null, void, and unenforceable; and cannot be used as a defense against Betraying Your Oath of Office;

5: Both the Complainant and Public Servant shall be able to present their cases before the People's Grand Jury;

6: An indictment by the People's Grand Jury occurs when the majority present decides that there is probable cause to believe that the Public Servant has committed the crime of Betraying Your Oath of Office. After indictment, the case will be forwarded to circuit court for a trial before a jury;

7: The People's Grand Jury shall have authority to grant the Complainant the legal standing required to proceed with his or her case in court;

8: The Board will record the proceedings of the People's Grand Jury and file them with the county recorder of records.

(e) MULTIPLE COUNTY JURISDICTION: Charges of Betraying Your Oath of Office against Public Servants representing multiple counties will be heard before a People's Grand Jury composed of jurors from all counties affected. People's Grand Juries must be convened in at least 25 percent of the counties comprising a multiple county jurisdiction to convene a Multiple County People's Grand Jury.

1: The three multiple county jurisdictional districts include the state house of representatives, state senate, and the entire state. Cases pertaining to Public Servants representing more counties than within these three jurisdictional districts will default to the jurisdictional district of the entire state.

2: Immediately after convening the county People's Grand Jury, the county Board will select jurors to participate in the three Multiple County Jurisdictions through a random blind draw without bias. If additional county People Grand Juries convene this representation may change;

3: The number of jurors to serve from each county People's Grand Jury on each multiple county jurisdiction People's Grand Jury will be computed by dividing the population of the county by the total population all counties within the district which have convened a People's Grand Jury, multiplying this percent by 26, then rounding up to the next whole number, which could exceed 26. Population totals will be drawn from the most recent U.S. Census;

4: When a state house district or state senate district overlap the same counties, a single multiple county Grand Jury may be convened from the affected counties to address complaints pertaining to both jurisdictional districts.

5: The Boards of the county People's Grand Juries within the district will decide and determine the date, time, and location of the initial session of the district's Multiple County People's Grand Jury where the assigned jurors will organize and convene.

6: All the operational requirements pertaining to the county People's Grand Jury apply to each Multiple County Jurisdiction People's Grand Jury;

(f) JUROR COMPENSATION: The county must reimburse People's Grand Jurors consistent with payment for jury service by county law when in session;

Section 4: TRIAL BY 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 court will be under the direct authority and jurisdiction of the United States Constitution and the interpretation of the Michigan or U.S. Constitutions, law, or fact by either the Complainant or Public Servant may not be limited or infringed.;

(c) The case must be added to the court's docket and scheduled for a speedy and public trial by jury;

(d) 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;

(e) The Complainant and Public Servant will each secure and pay for their own counsel;

(f) Appeals arising from trials under this Article must be heard and decided by a jury of the people.

Section 5: AUTHORITY TO ENFORCE PROVISIONS WITHIN THIS ARTICLE: All individuals associated with the proceedings of the People's Grand Jury must abide by the terms within this Article. When disputes arise pertaining to adherence to its terms, the grievances may be presented to the appropriate People's Grand Jury for review, and if such grievances are found valid by the majority, the People's Grand Jury has the authority to charge the offending individual with Contempt. The county sheriff will be directed, and is then obligated, to incarcerate the offending individual until the grievance is rectified.

Section 6: SEVERABILITY: Any provision of this Article held unconstitutional shall be severable from the remaining portions of this Article.