

EXHIBIT L

cided by a 51 per cent vote. While there may be some occasions for having more than a majority vote to take a particular action, it would seem to me when the people vote on this type of thing a simple 50 plus 1 percentage vote should be adequate. I therefore urge the defeat of the substitute and support of the majority.

CHAIRMAN YEAGER: On the Brown-Boothby substitute, the Chair will recognize Mr. Durst — for what purpose does the gentleman rise?

MR. G. E. BROWN: Mr. Downs yielded to me, Mr. Chairman.

CHAIRMAN YEAGER: All right. Proceed, Mr. Brown.

MR. G. E. BROWN: I would like to answer Mr. Downs. I trust that he is not suggesting that we would be writing a constitutional provision for only Wayne county but that this constitutional provision would apply to the whole state. I think that the suggestion he has made that because there are more people in Wayne county that, therefore, their votes should count more or that we should have a special rule for Wayne county, is completely without philosophical basis. The whole purpose of requiring that you get not more than 10 per cent coming from any one county is that this is a statewide provision, that it will have statewide effect, and that there should be more than a self starter in one county insofar as any provision is concerned that is going to become part of our basic and fundamental law.

I note that Mr. Downs did not criticize the fact that we required gubernatorial signatures to nominate a governor to come not only from Wayne county or that Wayne county should be able to have more than somebody else, but for some reason he decides that this is bad so far as a constitutional provision is concerned but it is not bad with respect to an elective officer that we elect every 2 years — in the past, at least.

CHAIRMAN YEAGER: Mr. Downs, you retain the floor.

MR. DOWNS: Thank you. I did not mean to get into a long winded debate with my good friend, Delegate Brown. I would suggest that for him to show that he is not picking on the good citizens from Wayne county, instead of 10 per cent he use the figure 3/100 of 1 per cent. That happens to be the population of the smallest county in the state of Michigan, and if we could say that no more than 3/100 of 1 per cent of the petitions could come from any one county, that would show that we were not simply confining ourselves to Wayne.

But, frankly, I feel that the delegates here are satisfied that on the matter of petition people should be allowed to circulate those in the areas where people are and get a total number of signatures. I have no desire to further discuss this. When the matter of gubernatorial signatures, which is largely statutory, and other matters come up I would be glad to debate them. As far as I am concerned, the subject is closed and I yield the floor.

CHAIRMAN YEAGER: The Chair will recognize Mr. Durst.

MR. DURST: Mr. Chairman and members of the committee, I would like first to point out that all of the material, new material, contained in Mr. Brown's and Mr. Boothby's substitute was considered and given serious consideration by the committee on miscellaneous provisions and schedule.

Now as to the first substantive change they make, the 10 per cent, I think the committee was generally in favor of the idea that perhaps it might be desirable to have some limitation in here that all petitions could not come from the same county. We discussed several different alternatives, one of which was to say that no county could provide more signatures than its per cent of the state's population or something of that sort. But on further reflection it was the committee's opinion that no serious attempt to amend the constitution would ever be made with all the signatures obtained or even the major fraction of them out of line with population obtained from one county. And I think upon serious reflection, it must be realized that any particular amendment in order to proceed must have some statewide support. I think it would be very difficult if just the citizens of Wayne county wanted some change and all the signatures came from Wayne county. They would find themselves some very serious opposition outstate. It would behoove the supporters of an amendment to go outstate

and get as many signatures as they could in support of their proposition.

So, on reflection of the committee, it was felt that it was unnecessary to provide any such provision. Wayne county, having a major portion of the state's population, of course, would normally account for a major portion of the signatures on any amendment or in any petition drive. But it was felt that they would also be almost compelled to go outstate to get support there. So that is why that particular provision was not put into the proposal presented to the committee of the whole.

Now Mr. Brown has done some shortening here on our proposal. It is difficult to analyze in a short time whether or not his provision is better than ours. However, there were some things included in ours which the committee felt very strongly should be there. One was the provision that you could not submit the amendment to the voters in less than 120 days prior to the time the petitions were filed. The reason for this is because it was felt there should be some time for the people to become educated and to discuss and to think about the proposition they were voting on before it was tossed at them. And I think the committee was pretty unanimously in favor of at least including this 120 day provision which Mr. Brown's and Mr. Boothby's substitute eliminates.

We also include the requirement that the announcement of determination of the validity of the petitions had to be made 60 days prior to the time the amendment was to be voted upon. This was put in there mainly at the urging of Mr. Leppien, who has had some considerable experience, as a county clerk, in arranging the ballots and getting ready to submit these propositions to the people, and there was at least one instance when, I believe—if my memory serves me right—the thing was certified 13 days prior to the time of the election which presented an almost insurmountable obstacle for the election officials. This 60 days was to take care of that.

Now Mr. Brown completely eliminates those provisions and he eliminates almost all of what is contained on page 4 of the proposal, and here are some things which the committee also thought should be included for a good, self executing provision: one was that the state was required to publish the proposal along with setting forth the material that it was expected to delete or change and that this publication be listed in the polling places. There was considerable discussion that we should go further and require even the preparation of a pro and con pamphlet in order to educate the people. This was decided to be impractical and what is included here was thought to be a minimum that was necessary, that at least it should be set forth clearly and concisely and placed in the polling places and presented to the news media so there would be an opportunity for the people of this state to be thoroughly advised upon the amendment they are voting on.

Also contained in the language which Mr. Brown eliminates is the requirement that the proposed amendment be expressed in not more than 100 words and setting out some requirements for that 100 words. Since it is necessary on voting machines which are largely in use in this state today to use a 100 word caption, we felt that this was a very, very necessary part of the amendment and that there be some constitutional direction here.

Now as to the 3/5 provision, I do not know that this was seriously discussed in our committee. The committee was very much in favor—at least it voted in favor of retaining the majority provision which is in the present constitution. On the whole I would think that Mr. Brown's and Mr. Boothby's substitute is inadequate from the committee's point of view and should be rejected.

CHAIRMAN YEAGER: The Chair recognizes one of the proponents, Mr. Boothby.

MR. BOOTHBY: Mr. Chairman, ladies and gentlemen of the committee, I rise to support the Brown-Boothby substitute. The requirement as to the 10 per cent, not more than 10 per cent in one county, has been covered, I think, very well by Mr. Brown. I would add this: that a law generally affects not a complete state but, generally speaking, only a part of the state or a part of the whole. The constitution affects the whole and,