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June 21, 2012

Hon. Ruth Johnson  
Secretary of State  
Michigan Department of State  
Treasury Building, 4th Floor  
430 West Allegan Street  
Lansing, MI 48909

Re: Committee to Protect Our Jobs Ballot Proposal

Dear Secretary Johnson:

I represent Citizens Protecting Michigan's Constitution ("CPMC"), which is a ballot question committee supported by scores of individual Michigan businesses, organizations representing tens of thousands of Michigan job providers with millions of employees, and taxpayers, including the Michigan Chamber of Commerce, Business Leaders for Michigan, the Small Business Association of Michigan, and others. CPMC opposes the rewrite of the Michigan Constitution and the repeal of dozens of unidentified laws posed by the recently filed Protect Our Jobs petition ("petition").

The petition claims to amend Michigan's Constitution by adding a new section to Article I of the Constitution and purporting to amend only article XI, section 5 of the Michigan Constitution. However, in reality, the petition will have the effect of directly amending a number of constitutional provisions that will have to be read in the future, if the petition is successful, with additional and limiting language imposed by the petition. Moreover, the petition's scope will fundamentally change the operation of government as related to labor and employment issues. Accordingly, the sweeping nature of the petition's impact constitutes a general revision of the constitution, which is not a proper subject for a ballot proposal. See Const 1963, art XII, §3.

The petition will repeal numerous, but unidentified, existing provisions of law that may conflict with the petition and will limit the authority of the Michigan Legislature, local government and constitutionally established higher education institutions to regulate employment matters. This constitutes a general revision of the laws prohibited by the Michigan Constitution. Const 1963, art IV, §36. Additionally, the attempted repeal of numerous unidentified statutes, while possibly appropriate for initiative and/or referendum on an individual enacted law by enacted law basis,



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cannot be accomplished by a blanket attack on all laws that may potentially be in conflict with the sweeping scope of the proposal. Electors signing the petition were not advised of the many unidentified laws the petition improperly seeks to repeal. Thus, this proposed amendment attempts to weaken important economic reforms that are contributing to the economic turn-around in Michigan through deceptive means.

Finally, due to the sweeping nature of the petition, the modification of numerous provisions of the Constitution, the repeal of an undisclosed (by the proponents) number of statutes, and a fundamental change in the operation of Michigan government related to labor and employment including guarantees of collective bargaining rights, limitation of authority of the Michigan Legislature, local government units and probable limitations on the independence of constitutionally established educational institutions, the proposal will be impossible to summarize for the ballot within the 100 word statutory limitation. MCL 168.474; *Citizens Protecting Michigan's Constitution v Secretary of State, et al*, 482 Mich 960; 755 NW2d 157 (2008)).

Therefore, based on the foregoing, we believe that you have a clear legal duty to reject the filed petition and to refuse to further process it, canvass the signatures or to refer the petition to the Board of State Canvassers for certification to the ballot.

If you disagree, or if it is not the intent of your Department to exercise your authority to reject this proposal, please kindly advise me as soon as possible so that the question may be timely presented to the courts.

Thank you for your attention to this matter.

Sincerely,

**DYKEMA GOSSETT PLLC**

A handwritten signature in black ink, appearing to read 'Gary P. Gordon', written over the printed name.

Gary P. Gordon

GPG/jmb