

STATE OF MICHIGAN
COURT OF APPEALS

MOTHERING JUSTICE, MICHIGAN ONE FAIR
WAGE, MICHIGAN TIME TO CARE,
RESTAURANT OPPORTUNITIES CENTER OF
MICHIGAN, JAMES HAWK, and TIA MARIE
SANDERS,

Plaintiffs-Appellees,

v

ATTORNEY GENERAL,

Defendant-Appellee,

and

STATE OF MICHIGAN,

Defendant-Appellant.

FOR PUBLICATION
January 26, 2023

No. 362271
Court of Claims
LC No. 21-000095-MM

Before: M. J. KELLY, P.J., and MURRAY and RIORDAN, JJ.

M. J. KELLY, P.J. (*concurring*).

As noted by Judge MURRAY, the only issue before us is to determine whether the procedure known as “adopt and amend” passes muster under our state constitution. I concur with the majority that it does. Although this procedure is permissible under the language of our constitution, this ploy—adopting an initiative into law so as to prevent it from going onto the ballot and then promptly and substantially amending that law in a manner that has left it essentially defanged—is anti-democratic. I cannot believe that this drastic action is what the drafters of our constitution even contemplated, let alone intended.

If the individuals responsible for this maneuver ever wonder why public opinion polls consistently cast politicians low when it comes to the virtue of trust, they need look no further than what they did here. It is a direct assault on one of the rights our founding fathers and the drafters of our state constitution held dear: the right of the citizens to petition their government.

When the history of this legislature is written, it is difficult to imagine anybody saying that this was their finest hour.

/s/ Michael J. Kelly