

Township Memorandum

Republican Form of Elections

Paper Ballot, Show ID, One-Day Voting

We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution. [Michigan Constitution, Preamble]

PEOPLE The word "people" may have various significations according to the connection in which it is used. When we speak of the rights of the people, or of the government of the people by law, or of the people as a non-political aggregate, we mean all the inhabitants of the state or nation, without distinction as to sex, age, or otherwise. But when reference is made to the people as the repository of sovereignty, or as the source of governmental power, or to popular government, we are in fact speaking of that selected and limited class of citizens to whom the constitution accords the elective franchise and the right of participation in the offices of government.

Michigan Constitution Article 1 Section 1 Political power.

All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

POLITICAL Pertaining or relating to the policy or the administration of government, state or national. Pertaining to, or incidental to, the exercise of the functions vested in those charged with the conduct of government; relating to the management of affairs of state; as political theories; of or pertaining to exercise of rights and privileges or the influence by which individuals of a state seek to determine or control its public policy; having to do with organization or action of individuals, parties, or interests that seek to control appointment or action of those who manage affairs of a state.

LEGISLATOR A lawgiver: one who makes laws for a state or community. This word is limited in its use to a supreme lawgiver, the lawgiver of a sovereign state or kingdom, and is not applied to men that make the by-laws of a subordinate corporation.

MAXIM An established principle or proposition. A principle of law universally admitted, as being a correct statement of the law, or as agree able to reason. Coke defines a maxim to be "conclusion of reason," "A maxim is a proposition to be of all men confessed and granted without proof, argument, or discourse."

Maxim Of Law 66f. Jurisdiction is the power to declare the law; and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.

JURISDICTION. The word is a term of large and comprehensive import, and embraces every kind of judicial action. It is the authority by which courts and judicial officers take cognizance of and decide cases. The legal right by which judges exercise their authority. It exists when court has cognizance of class of cases involved, proper parties are present, and point to be decided is within issues.

IN PERSONAM Against a particular person

LEGISLATIVE Giving or enacting laws; as a legislative body. Capable of enacting laws; as legislative power. Pertaining to the enacting of laws; suitable to laws; as the legislative style. Done by enacting; as a legislative act.

SHALL. As used in statutes, contracts, or the like, this word is generally imperative or mandatory.

REPENT To change the mind in consequence of the inconvenience or injury done by past conduct.

Michigan Constitution Article 11 Section 1 Oath of public officers.

All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

Maxim Of Law 67e. The administration of an oath is an indispensable requisite to the formation of a legal jury. Lumsden v. City of Milwaukee, 8 Wis. 485, 486.

Maxim Of Law 84a. There is no stronger link or bond between men than an oath. Jenk. Cent. Cas. 126; Id.

Maxim Of Law 84b. It is immaterial whether a man gives his assent by words or by acts and deeds.

Maxim Of Law 84c. Punishment is due if the words of an oath be false. Black's, 840.

Maxim Of Law 84d. An oath is indivisible; it is not to be held partly true and partly false. 4 Inst. 274; Bouv. 134.

Maxim Of Law 84e. An oath has in it three component parts,—truth, justice, and judgment; truth in the party swearing; justice and judgment in the judge administering the oath. 3 Inst. 160.

Maxim Of Law 84f. Every oath ought to be founded on certain knowledge. 4 Inst. 279.

Maxim Of Law 84j. To swear is to call God to witness, and is an act of religion. 3 Inst. 165; Cycl. Dict. 566. [Black's Law Dictionary Revised Fourth Edition]

EXPRESS TRUST "A trust created or declared in express terms, and usually in writing, as distinguished from one inferred by the law from the conduct or dealings of the parties.

MALADMINISTRATION Bad management of public affairs; vicious or defective conduct in administration, or the performance of official duties, particularly of executive and ministerial duties, prescribed by law; as the maladministration of a king, or of any chief magistrate.

MALFEASANCE Evil doing; wrong; illegal deed.

10th Amendment The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Maxim Of Law 11f. Power can never be delegated which the authority said to delegate never possessed itself. N.J. Steam Co. v. Merch Bank, 6 How. (47 U.S.) 344, 407.

US Constitution Article 4 Section. 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

CITIZEN

1. The native of a city, or an inhabitant who enjoys the freedom and privileges of the city in which he resides; the freeman of a city, as distinguished from a foreigner, or one not entitled to its franchises. An inhabitant; a dweller in any city, town or place. In the United States, a person, native or naturalized, who has the privilege of exercising the elective franchise, or the qualifications which enable him to vote for rulers, and to purchase and hold real estate. If the citizens of the United States should not be free and happy, the fault will be entirely their own.

US Constitution Article 4 Section. 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Maxim Of Law 7a. When the form is not observed, it is inferred that the act is annulled. 12 Coke, 7

LEGISLATURE The department, assembly, or body of men that makes laws for a state or nation; a legislative body.

REPUBLICAN GOVERNMENT. A government in the republican form; a government of the people; a government by representatives chosen by the people.

REPUBLIC. A commonwealth; that form of government in which the administration of affairs is open to all the citizens. In another sense, it signifies the state, independently of its form of government.

STATE The principal persons in a government.

Michigan Constitution Article 1 § 2 Equal protection; discrimination. Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

Michigan Constitution Article 1 Section 3 Assembly, consultation, instruction, petition. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

Maxim Of Law 51q. A frequent recurrence to fundamental principles, and a firm adherence to justice, virtue, and original law, are indispensably necessary to preserve the blessings of liberty and good government.

REDRESS To set right (an undesirable situation, for example); remedy or rectify. synonym: correct. To make amends too. The receiving satisfaction for an injury sustained.

GRIEVANCE That which causes grief or uneasiness; that which burdens, oppresses, or injures, implying a sense of wrong done, or a continued injury, and therefore applied only to the effects of human conduct; never to providential evils. The oppressed subject has the right to petition for redress of grievances.

ASSEMBLE To collect a number of individuals or particulars into one place, or body; to bring or call together; to convene; to congregate.

REMONSTRANCE Expostulation; showing of reasons against something proposed; a representation made to a court or legislative body wherein certain persons unite in urging that a contemplated measure be not adopted or passed.

REMEDY That which counteracts an evil of any kind; with for, to or against; usually with for. Civil government is the remedy for the evils of natural liberty. What remedy can be provided for extravagance in dress? The man who shall invent an effectual remedy for intemperance, will deserve every thing from his fellow men. To cure; to remove, as an evil; as, to remedy grief; to remedy the evils of a war.

Michigan Constitution Article 1 Section 23 Enumeration of rights not to deny others.

The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Maxim Of Law 51r. As usurpation is the exercise of power, which another has a right to; so tyranny is the exercise of power beyond right, which no body can have a right to. Locke, Treat. 2, 18, 199.

Maxim Of Law 4e. A delegate cannot delegate; an agent cannot delegate his functions to a subagent without the knowledge or consent of the principal; the person to whom an office or duty is delegated cannot lawfully devolve the duty on another, unless he be expressly authorized so to do.

FREE. Not subject to legal constraint of another. Unconstrained; having power to follow the dictates of his own will. Not subject to the dominion of another. Not compelled to involuntary servitude. Used in this sense as opposed to "slave." Enjoying full civic rights. Not despotic; assuring liberty; defending individual rights against encroachment by any person or class; instituted by a free people; said of governments, institutions, etc. Webster.

FAIR. Not effected by insidious or unlawful methods; not foul.”

SECRET Properly, separate; hence, hid; concealed from the notice or knowledge of all persons except the individual or individuals concerned.

BALLOT To vote by written papers or tickets.

PERSON A man considered according to the rank he holds in society, with all the right to which the place he holds entitles him, and the duties which it imposes. The word in its natural and usual signification includes women as well as men. Commonwealth

PERSONS are of two kinds, natural and artificial. A natural person is a human being. Artificial persons include a collection or succession of natural persons forming a corporation; a collection of property to which the law attributes the capacity of having rights and duties. The latter class of artificial persons is recognized only to a limited extent in our law. Examples are the estate of a bankrupt or deceased person.

Michigan Constitution Article 2 Section 1 Qualifications of electors; residence. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

Michigan Constitution Article 2 Elections Section 4 Place and manner of elections. [Emphasis added]

(4)(1) Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:

(a) The fundamental right to vote, including but not limited to the right, once registered, to vote a secret ballot in all elections. No person shall:

(1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure;

(2) engage in any harassing, threatening, or intimidating conduct; or

(3) use any means whatsoever, any of which has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote. Any Michigan citizen or citizens shall have standing to bring an action for declaratory, injunctive, and/or monetary relief to enforce the rights created by this part (a) of subsection (4)(1) on behalf of themselves. Those actions shall be brought in the circuit court for the county in which a plaintiff resides. If a plaintiff prevails in whole or in part, the court shall award reasonable attorneys' fees, costs, and disbursements. For purposes of this part (a) of subsection (4)(1), "person" means an individual, association, corporation, joint stock company, labor organization, legal representative, mutual company, partnership, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal entity, and includes an agent of a person.

Michigan Constitution Article 2 Section 5 Time of elections.

Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.

Michigan Constitution Article 2 Section 7 Boards of canvassers, certification of election results.

(1) The outcome of every election in this state shall be determined solely by the vote of electors casting ballots in the election. (2) A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party. The legislature may by law establish boards of county canvassers. (3) It shall be the ministerial, clerical, nondiscretionary duty of a board of canvassers, and of each individual member thereof, to certify election results based solely on: (1) certified statements of votes from counties; or (2) in the case of boards of county canvassers, statements of returns from the precincts and absent voter counting boards in the county and any corrected returns.

Michigan Constitution Article 3 Section 2 Separation of powers of government.

The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

Maxim Of Law 29q. He acts in fraud of the law who, though the letter of the law being inviolate, uses the law contrary to its intention. Dig. 1, 3, 29.

Michigan Constitution Article 3 Section 7 Common law and statutes, continuance.

The common law and the statute laws now in force, **not repugnant to this constitution**, shall remain in force until they expire by their own limitations, or are changed, amended or repealed.

Maxim Of Law 62b. A repugnant act cannot be brought into being, i.e., cannot be made effectual. Plowd. 355.

IMMUNITY Freedom or exemption from obligation. To be exempted from observing the rites or duties of the church, is an immunity. Exemption from any charge, duty, office, tax or imposition; a particular privilege; as the immunities of the free cities of Germany; the immunities of the clergy. Freedom; as an immunity from error.

BODY POLITIC OR CORPORATE. A social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good

Michigan Constitution Article 7 Section 17 Townships; corporate character, powers and immunities.

Each organized township shall be a **body corporate** with powers and immunities provided by law.

Michigan Constitution Article 7 Section 18 Township officers; term, powers and duties.

In each organized township there be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, **whose legislative and administrative powers and duties shall be provided by law.**

Michigan Constitution Article 7 Section 34 Construction of constitution and law concerning counties, townships, cities, villages.

The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

Maxim Of Law 49j. No Man Warring for God Should be Troubled by Secular Business.

Please contact your [Republican Party County Chair](#) who has more information about restoring constitutional elections.

Go to wethepeoplenotices.org for more information about the fundamental law and the People's rights. 3/13/24