

# **The Transparency Act**

## **Initiated Law to Amend MCL 15.231 et seq.**

An Initiation of legislation to provide for the public disclosure of certain records of the Executive Branch and the Legislature of the State of Michigan; and to provide for penalties for noncompliance.

### **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

#### **SECTION 1. PURPOSE**

The purpose of this initiation of legislation is to promote transparency and accountability in the Executive Branch and Legislature of the State of Michigan by making public records available to the citizens of the State.

#### **SECTION 2. AMENDMENT**

MCL 15.231 et seq. is amended to read as follows:

15.231 Public records; duties of public body; right to receive and examine.

(1) As used in this section, "public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function from the date it was created.

(2) A public body shall provide public records requested under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, to the extent required by that act, and is prohibited from denying access to a public record on the basis that it is confidential, privileged, or otherwise exempt from disclosure unless the public body can support that exemption by a preponderance of the evidence.

(3) The Executive Branch and Legislature of the State of Michigan shall be subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Auditor General, and members of the Legislature shall make public records available to the public, except for records that are exempt from disclosure under 1976 PA 442, MCL 15.231 to 15.246, or any other applicable laws.

#### **SECTION 3. PENALTIES**

Any public official who willfully and knowingly violates the provisions of this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000, imprisonment for not more than 90 days, or both.

#### **SECTION 4. SEVERABILITY**

The provisions of this act are severable. If any portion of this act is found to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

## **SECTION 5. ENACTMENT**

This act shall be known and cited as "The Transparency Act" and shall be submitted to the people of the State of Michigan for their approval or rejection at the next general election occurring not less than 180 days after the filing of this petition, as provided by the Michigan Constitution.