

Michigan Proposal 2, Search Warrant for Electronic Data Amendment (2020)

Michigan Proposal 2



Election date

[November 3, 2020](#)

Topic

[Law enforcement](#)

Status

On the ballot

Type

[Constitutional amendment](#)

Origin

[State legislature](#)

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Michigan Proposal 2, the **Search Warrant for Electronic Data Amendment**, is on the [ballot](#) in [Michigan](#) as a [legislatively referred constitutional amendment](#) on [November 3, 2020](#).

A **"yes"** vote supports this constitutional amendment to require a search warrant to access a person's electronic data and electronic communications.

A **"no"** vote opposes this constitutional amendment to require a search warrant to access a person's electronic data and electronic communications.

Overview

What would this ballot measure add to the Michigan Constitution?

See also: [Changes to the Michigan Constitution](#)

Proposal 2 would add language to the [Michigan State Constitution](#) that requires a search warrant to access electronic data or electronic communications. The ballot measure would also state that electronic data and electronic communications are secure from unreasonable searches and seizures.^[1]

Text of measure

Ballot title

The ballot title is as follows:^[2]

“ A proposed constitutional amendment to require a search warrant in order to access a person’s electronic data or electronic communications^[3] ”

Ballot summary

The ballot summary is as follows:^[2]

“ This proposed constitutional amendment would:

- Prohibit unreasonable searches or seizures of a person’s electronic data and electronic communications.
- Require a search warrant to access a person’s electronic data or electronic communications, under the same conditions currently required for the government to obtain a search warrant to search a person’s house or seize a person’s things.^[3]

”

Constitutional changes

See also: [Article I, Michigan Constitution](#)

The measure would amend [Section 11 of Article I](#) of the [Michigan Constitution](#). The following underlined text would be added and text would be deleted:^[1]

Searches and Seizures

The person, houses, papers, possessions, and electronic data and electronic communications of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things or to access electronic data or electronic communications shall issue without describing them, nor without probable cause, supported by oath or affirmation. The provisions of this section shall not be construed to bar from evidence in any criminal proceeding any narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside the curtilage of any dwelling house in this state.^[3]

Support

Supporters

Officials

- [Jim Runestad \(R\)](#) - State Senator ^[Source]

Arguments

- **Sen. Jim Runestad (R-15):** "The failure of our laws to address this new reality is not only a threat to our liberties today. It is a threat to the future liberties of generations to come. The Fourth Amendment still matters. We don't know what technological advances will come next, but one thing is for sure, after 246 years of us Americans, our right to privacy still matters." ^[Source]
- **Shelli Weisberg, political director for the ACLU of Michigan:** "The courts are coming along on that but enshrining it in our constitution is a very important step." ^[Source]

Opposition

Ballotpedia has not identified individuals and entities opposing the ballot measure. If you are aware of published opposition to the ballot measure, you may send a reference link to editor@ballotpedia.org.

Media editorials

Ballotpedia identified the following media editorial boards as taking positions on the ballot measure. If you are aware of a media editorial board position that is not listed below, please email the editorial link to editor@ballotpedia.org.

Support

- **The Detroit News Editorial Board:** "Information stored in your cellphone or personal computer is no different than the paper document stashed in your home file cabinets and desk drawers. It's private, and it belongs to you. Government should have a very sound reason to peek at that information, and should have to explain the reason to a judge." [\[Source\]](#)
- **The Toledo Blade Editorial Board:** "Michigan voters can strike a blow for liberty by approving an amendment to the state constitution that will protect personal data stored in electronic and digital form. ... It's a rare opportunity to extend state constitutional protections for citizens. Voters shouldn't miss an opportunity to decide Michigan's law directly. ... While the U.S. Supreme Court has ruled that a warrant is needed to search cell phone data, the reality is that courts change their opinions, and police departments change their practices, so the most effective way to protect electronic data is to make it clear by passing a law, in this case an amendment to the state constitution." [\[Source\]](#)

Opposition

Ballotpedia had not identified media editorial boards in opposition to the ballot measure.